

FINAL AWARD ALLOWING COMPENSATION
(Modifying the Award of the Labor and Industrial Relations Commission
Pursuant to the Mandate from the Missouri Court of Appeals, Eastern District)

Injury No.: 00-055030

Employee: Linda Monroe

Employer: Wal-Mart Associates, Inc.

Insurer: American Home Insurance Company

Date of Accident: On or about May 16, 2000

On August 13, 2004, the Labor and Industrial Relations Commission (Commission) affirmed the award and decision of the administrative law judge allowing compensation in this matter. The Commission denied employee's request for attorney fees, costs and interest pursuant to § 287.560 RSMo. Employee appealed the portion of the Commission award denying attorney fees, costs and interest.

On May 3, 2005, the Missouri Court of Appeals, Eastern District, issued an opinion reversing the portion of the Commission award denying attorney fees, costs and interest. *Monroe v. Wal-Mart Associates, Inc.*, 163 S.W.3d 501 (Mo. App. 2005)(Mandate issued June 16, 2005). The Court remanded the matter to the Commission with directions to determine the costs and attorney's fees incurred by the employee after December 26, 2001, and to award the amount thereof to employee.

By order dated, May 26, 2005, we remanded this matter to the Division of Workers' Compensation (Division), with directions to the Division to hear testimony and take evidence to provide to the Commission a record fully developed regarding the amount of fees, costs and interest claimed by employee since December 26, 2001. The Commission further directed the Division that the Division was to receive any agreement reached by the parties and transmit it to the Commission.

The administrative law judge convened the remand hearing on July 6, 2005, at which time the parties announced they had reached an agreement. Employee and employer submitted Joint Exhibit 1, memorializing their agreement regarding the costs and attorney fees due employee. That agreement reads, in its entirety:

MEMORANDUM, FINDINGS AND AWARD:

This cause called on remand to determine the attorney fees and costs due. The parties have consented and agreed that the attorney fees due to plaintiff from the underlying case, costs and other fees are:

attorney fees from underlying case:	\$10,363.14
costs from underlying case:	2,477.52
attorney fees from appeals (agreed):	10,000.00
interest due:	<u>3,273.71</u>
Total fees + Costs due:	\$26,114.47

The above agreed amounts, on review of the facts, are found to be reasonable and proper

under the circumstances and the same are awarded.

Pursuant to the Court's mandate and in accordance with the agreement of the parties, we modify our award of August 13, 2004, to award to employee \$26,114.47, as and for attorney fees, costs and interest.

Given at Jefferson City, State of Missouri, this 20th day of July 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary