

FINAL AWARD DENYING COMPENSATION
(Affirming Award and Decision of Administrative Law Judge)

Injury No.: 07-132005

Employee: Melinda Penachio, Deceased
Dependents: Paul Penachio, widower; Kaylie Penachio and Stephanie Penachio, dependent daughters
Employer: Capital Region Medical Center
Insurer: Self-Insured c/o Thomas McGee Management Services
Additional Party: Treasurer of Missouri as Custodian of Second Injury Fund (Dismissed)

This workers' compensation case is submitted to the Labor and Industrial Relations Commission (Commission) for review as provided by § 287.480 RSMo. Having read the briefs, reviewed the evidence and considered the whole record, we find that the award of the administrative law judge denying compensation is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Law.

Employee filed a Motion to Consider Reply Brief as Additional Evidence and Argument. Employee's Reply Brief consists primarily of a recitation of testimony contained in depositions already in the record. The deposition testimony is not additional evidence. In reaching our decision, we considered the arguments appearing in employee's Reply Brief.

Pursuant to § 286.090 RSMo, we affirm the award and decision of the administrative law judge. The January 3, 2011, award and decision of Administrative Law Judge Vicky Ruth is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 11th day of August 2011.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

Curtis E. Chick, Jr., Member

Attest:

Secretary