

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

Injury No.: 98-116395

Employee: Earlene Rukcic  
Employer: St. Louis Public Schools  
Insurer: Management Services, Inc.  
Additional Party: Treasurer of Missouri as Custodian  
of Second Injury Fund

Date of Accident: September 15, 1998

Place and County of Accident: St. Louis City, Missouri

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated April 21, 2004. The award and decision of Administrative Law Judge Cornelius T. Lane, issued April 21, 2004, is attached and incorporated by this reference.

The Commission further approves and affirms the administrative law judge's allowance of attorney's fee herein as being fair and reasonable.

Any past due compensation shall bear interest as provided by law.

Given at Jefferson City, State of Missouri, this 8<sup>th</sup> day of February 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

\_\_\_\_\_  
William F. Ringer, Chairman

\_\_\_\_\_  
VACANT  
Member

Attest: \_\_\_\_\_  
John J. Hickey, Member

\_\_\_\_\_  
Secretary

**AWARD**

Employee: Earlene Rukcic

Injury No.: 98-116395

Dependents: N/A  
Employer: St. Louis Public Schools  
Additional Party: Second Injury Fund  
Insurer: Management Services, Inc.  
Hearing Date: March 1, 2004

Before the  
**Division of Workers'  
Compensation**  
Department of Labor and Industrial  
Relations of Missouri  
Jefferson City, Missouri

Checked by: CTL:tr

### FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? Yes
2. Was the injury or occupational disease compensable under Chapter 287? Yes
3. Was there an accident or incident of occupational disease under the Law? Yes
4. Date of accident or onset of occupational disease: September 15, 1998
5. State location where accident occurred or occupational disease was contracted: St. Louis City
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
7. Did employer receive proper notice? Yes
8. Did accident or occupational disease arise out of and in the course of the employment? Yes
9. Was claim for compensation filed within time required by Law? Yes
10. Was employer insured by above insurer? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted:  
Claimant grabbed a large metal drawer to prevent it from striking a student causing injury to her wrist.
12. Did accident or occupational disease cause death? No Date of death? N/A
13. Part(s) of body injured by accident or occupational disease: Right wrist
14. Nature and extent of any permanent disability: 40% permanent partial disability of right wrist
15. Compensation paid to-date for temporary disability: \$5,707.08
16. Value necessary medical aid paid to date by employer/insurer? \$14,761.41

Employee: Earlene Rukcic Injury No.: 98-116395

17. Value necessary medical aid not furnished by employer/insurer? N/A
18. Employee's average weekly wages: \$850.93
19. Weekly compensation rate: \$562.67/\$294.73
20. Method wages computation: Agreement

### COMPENSATION PAYABLE

21. Amount of compensation payable:

70 weeks of permanent partial disability from Employer

\$20,631.10

22. Second Injury Fund liability: Yes

40 weeks of permanent partial disability from Second Injury Fund \$11,789.20

TOTAL: \$32,420.30

23. Future requirements awarded: N/A

Said payments to begin immediately and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of 25% of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

James J. Sievers, Jr.

## **FINDINGS OF FACT and RULINGS OF LAW:**

Employee:	Earlene Rukcic	Injury No.: 98-116395
Dependents:	N/A	Before the <b>Division of Workers'</b> <b>Compensation</b>
Employer:	St. Louis Public Schools	Department of Labor and Industrial Relations of Missouri
Additional Party:	Second Injury Fund	Jefferson City, Missouri
Insurer:	Management Services, Inc.	Checked by: CTL:tr

### **PRELIMINARIES**

A hearing was held in the above-mentioned matter on March 1, 2004. The Claimant, Earlene Rukcic, was represented by Attorney James Sievers, Jr. and the Employer was represented by Attorney Robin Jefferson. The Second Injury Fund was represented by Attorney Emily Kelly.

### **STIPULATIONS**

The parties stipulated to the following:

1. The Employer and Claimant were operating under and subject to the provisions of the Missouri Workers' Compensation Law;
2. The Claimant's average weekly wage was \$850.93 a week;

3. The rate of compensation for TTD was \$562.67 and the rate of compensation for PPD was \$294.73;
4. The Claimant sustained an accident arising out of and in the course and scope of her employment occurring in St. Louis City, Missouri; and
5. The Employer has paid medical expenses in the amount of \$14,761.41 and TTD benefits have been paid in the amount of \$5,707.08.

### **ISSUES**

The issues to be resolved in this proceeding are:

1. Nature and extent of permanent partial disability; and
2. Liability of the Second Injury Fund.

### **EXHIBITS**

The Claimant offered the following exhibits:

- |            |   |
|------------|---|
| Exhibit A. | Deposition, Curriculum Vitae and Reports of Dr. David T. Volarich.    |
| Exhibit B. | Deposition, Curriculum Vitae and Report of Dr. Wayne A. Stillings.    |
| Exhibit C. | Deposition, Curriculum Vitae and Report of Dr. Jeffrey Magrowski.     |
| Exhibit D. | Records of Des Peres Hospital including Records of Dr. Knight.        |
| Exhibit E. | Records of Dr. John Wagner.   |
| Exhibit F. | Records of Alexian Brothers Hospital including Records of Dr. Cantor. |
| Exhibit G. | Records of Jewish Hospital including Records of Dr. Meyer.            |

The Employer offered the following exhibits:

- |            |                      |
|------------|----------------------|
| Exhibit 1. | Dr. Kostman.         |
| Exhibit 2. | Dr. Sandra Tate.     |
| Exhibit 3. | Dr. Anthony Sudekum. |
| Exhibit 4. | Dr. Wetzel.          |
| Exhibit 5. | Dr. Bassett.         |

The Second Injury Fund offered no exhibits.

### **FINDINGS OF FACT**

1. Claimant, Earlene Rukcic, was born September 26, 1947 and was 56 years of age at the time of the hearing.
2. Claimant was a teacher for the St. Louis Public School District for approximately thirty years.
3. Claimant is a college graduate who received a Master's in Education and began a teaching career teaching eighth graders and then kindergarteners in the St. Louis Public School District.
4. On October 8, 1985, Claimant was involved in an automobile collision where she sustained injuries to her right knee, left knee and back.
5. As a result of said injuries, Dr. John Wagner operated on both the left and right knee and treated her low back injury with a brace and Claimant was diagnosed as having a L5 herniated disc.
6. Claimant returned to work after the surgeries, but felt she was limited in her activities as a teacher.
7. Claimant, from 1986 through 1995, had three surgeries in which hernia repairs were made to her abdomen.
8. Claimant was hospitalized in 1985 and 1986 for psychiatric treatment for depression by Dr. Meyer.
9. On September 15, 1998 Claimant injured her right wrist when she grabbed a large metal drawer to prevent it from striking a student. This is the primary injury.
10. As a result of her right wrist injury, Claimant underwent surgery in the form of open reduction and internal fixation and bone graft that was taken from her hip.

11. Preexisting the primary injury to the Claimant's right wrist, Claimant suffered from a 30% permanent partial disability of the right knee as a result of the right knee surgery; 30% permanent partial disability of the left knee due to left knee surgery; 20% permanent partial disability of the body as a whole due to the low back injury when she sustained a disc herniation at L5-S1; 12.5% permanent partial disability of the body as a whole rated at the cervical neck due to cervical syndrome; 20% permanent partial disability of the left upper extremity rated at the shoulder due to the chronic impingement syndrome; and 15% permanent partial disability of the body as a whole rated at the abdominal wall due to the three hernia repairs.
12. The above findings are the result of the medical records and depositions and testimony of Dr. Volarich and Dr. Stillings.

**RULINGS OF LAW**

I find from the substantial weight of the evidence:

1. The opinions of Dr. David T. Volarich and Dr. William A. Stillings are probative and un rebutted.
2. I find the Claimant sustained 40% permanent partial disability of the right wrist, to wit 70 weeks at \$294.73 per week for a total of \$20,631.10 to be payable by the Employer.
3. I find the Claimant sustained the following preexisting injuries to the primary injury to wit; 30% permanent partial disability of the right knee for a total of 48 weeks, 30% permanent partial disability of the left knee for a total of 48 weeks, 20% permanent partial disability of the body as a whole as a result of the herniation in the low back at L5 for a total of 80 weeks, and 12.5% permanent partial disability of the body as a whole due to the cervical sprain for a total of 50 weeks, 20% permanent partial disability of the left shoulder for a total of 46.4 weeks and 15% permanent partial disability of the body as a whole due to the three hernias for a total of 60 weeks for a total of 332.4 weeks of preexisting disability plus the 70 weeks of permanent partial disability due to the primary injury for a total of 402.4 weeks.
4. I find that the synergistic effect of the injuries work in concert with each other to create additional disability which is represented by a loading factor of 10% for a total of 40 weeks at \$294.73 for a total award of \$11,789.20 against the Second Injury Fund due to the fact that the primary injury and the preexisting injuries are significantly greater than their simple sum. Thus, the Second Injury Fund is liable for the amount of the increase in disability caused by the synergistic effect of the prior injuries and the primary injury.

Date: \_\_\_\_\_

Made by: \_\_\_\_\_

Cornelius T. Lane  
*Administrative Law Judge*  
*Division of Workers' Compensation*

A true copy: Attest:

\_\_\_\_\_  
Reneé T. Slusher  
*Director*  
*Division of Workers' Compensation*

Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

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

Injury No.: 00-078893

Employee: Earlene Rukcic

Employer: St. Louis Public Schools

Insurer: Management Services, Inc.

Additional Party: Treasurer of Missouri as Custodian  
of Second Injury Fund

Date of Accident: June 30, 2000

Place and County of Accident: St. Louis City, Missouri

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated April 21, 2004. The award and decision of Administrative Law Judge Cornelius T. Lane, issued April 21, 2004, is attached and incorporated by this reference.

The Commission further approves and affirms the administrative law judge's allowance of attorney's fee herein as being fair and reasonable.

Any past due compensation shall bear interest as provided by law.

Given at Jefferson City, State of Missouri, this 8<sup>th</sup> day of February 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

\_\_\_\_\_  
William F. Ringer, Chairman

\_\_\_\_\_  
VACANT  
Member

Attest: \_\_\_\_\_  
John J. Hickey, Member

\_\_\_\_\_  
Secretary

**AWARD**

Employee: Earlene Rukcic

Injury No.: 00-078893

Dependents: N/A

Before the

**Division of Workers'  
Compensation**

Employer: St. Louis Public Schools

Department of Labor and Industrial  
Relations of Missouri  
Jefferson City, Missouri

Additional Party: Second Injury Fund

Insurer: Management Services, Inc.

Hearing Date: March 1, 2004

Checked by: CTL:tr

**FINDINGS OF FACT AND RULINGS OF LAW**

1. Are any benefits awarded herein? Yes
3. Was the injury or occupational disease compensable under Chapter 287? Yes
3. Was there an accident or incident of occupational disease under the Law? Yes
6. Date of accident or onset of occupational disease: June 30, 2000
7. State location where accident occurred or occupational disease was contracted: St. Louis City
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
7. Did employer receive proper notice? Yes
8. Did accident or occupational disease arise out of and in the course of the employment? Yes
10. Was claim for compensation filed within time required by Law? Yes
10. Was employer insured by above insurer? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted:  
Claimant was on playground duty and stepped back on rock twisting her knee.
12. Did accident or occupational disease cause death? No Date of death? N/A
13. Part(s) of body injured by accident or occupational disease: Left knee
15. Nature and extent of any permanent disability: 25% permanent partial disability of left knee
15. Compensation paid to-date for temporary disability: \$3,718.00
16. Value necessary medical aid paid to date by employer/insurer? \$3,774.52

Employee: Earlene Rukcic Injury No.: 00-078893

17. Value necessary medical aid not furnished by employer/insurer? N/A
19. Employee's average weekly wages: \$886.93
19. Weekly compensation rate: \$578.48/\$303.01
20. Method wages computation: Agreement

**COMPENSATION PAYABLE**

21. Amount of compensation payable:

40 weeks of permanent partial disability from Employer	\$12,120.40
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22. Second Injury Fund liability: Yes

52.26 weeks of permanent partial disability from Second Injury Fund	\$15,835.30
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- TOTAL:

\$27,955.70

23. Future requirements awarded: N/A

Said payments to begin immediately and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of 25% of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

James J. Sievers, Jr.

## **FINDINGS OF FACT and RULINGS OF LAW:**

Employee:	Earlene Rukcic	Injury No.: 00-078893
Dependents:	N/A	Before the <b>Division of Workers' Compensation</b>
Employer:	St. Louis Public Schools	Department of Labor and Industrial Relations of Missouri
Additional Party:	Second Injury Fund	Jefferson City, Missouri
Insurer:	Management Services, Inc.	Checked by: CTL:tr

### **PRELIMINARIES**

A hearing was held in the above-mentioned matter on March 1, 2004. The Claimant, Earlene Rukcic, was represented by Attorney James Sievers, Jr. and the Employer was represented by Attorney Robin Jefferson. The Second Injury Fund was represented by Attorney Emily Kelly.

### **STIPULATIONS**

The parties stipulated to the following:

6. The Employer and Claimant were operating under and subject to the provisions of the Missouri Workers' Compensation Law;
7. The Claimant's average weekly wage was \$886.93;
8. The rate of compensation for TTD was \$578.48 and the rate of PPD was \$303.01;
9. The Claimant sustained an accident arising out of and in the course and scope of her employment occurring in St. Louis City, Missouri; and
10. The Employer has paid medical expenses in the amount of \$3,774.52 and TTD benefits in the amount of \$3,718.00.

### **ISSUES**

The issues to be resolved in this proceeding are:

3. Nature and extent of permanent partial disability; and
4. Liability of the Second Injury Fund.

### **EXHIBITS**

The Claimant offered the following exhibits:

- Exhibit A. Deposition, Curriculum Vitae and Reports of Dr. David T. Volarich.
- Exhibit B. Deposition, Curriculum Vitae and Report of Dr. Wayne A. Stillings.
- Exhibit C. Deposition, Curriculum Vitae and Report of Dr. Jeffrey Magrowski.
- Exhibit D. Records of Des Peres Hospital including Records of Dr. Knight.
- Exhibit E. Records of Dr. John Wagner.
- Exhibit F. Records of Alexian Brothers Hospital including Records of Dr. Cantor.
- Exhibit G. Records of Jewish Hospital including Records of Dr. Meyer.

The Employer offered the following exhibits:

- Exhibit 1. Dr. Kostman.
- Exhibit 2. Dr. Sandra Tate.
- Exhibit 3. Dr. Anthony Sudekum.
- Exhibit 4. Dr. Wetzel.
- Exhibit 5. Dr. Bassett.

The Second Injury Fund offered no exhibits.

### **FINDINGS OF FACT**

13. Claimant, Earlene Rukcic, was born September 26, 1947 and was 56 years of age at the time of the hearing.
14. Claimant was a teacher for the St. Louis Public School District for approximately thirty years.
15. Claimant is a college graduate who received a Master's in Education and began a teaching career teaching eighth graders and then kindergarteners in the St. Louis Public School District.
16. In June of 2000 Claimant was playing on the playground with her class when she stepped backwards onto a rock and twisted her left knee and as a result of said injury she underwent knee surgery to repair the medial meniscus and debridement.
17. As a result of the June 2000 injury and the operation in July of 2002 on her left knee Claimant still has problems in the form of swelling, aching and grinding.
18. Dr. David T. Volarich stated that as a result of the Claimant's injury of June 2000 that she sustained a 35% permanent partial disability to her left knee.
19. Preexisting the injuries to the primary injury to Claimant's left knee in June 2000 consisted of the following: a 30% permanent partial disability of the right knee; 30% permanent partial disability of the left knee; 20% permanent partial disability of the body as a whole due as a result of a disc herniation; 12.5% permanent partial disability of the body as a whole as a result of a soft tissue injury to Claimant's neck; 20% permanent partial disability of the left arm at the shoulder; 15% permanent partial disability of the body as a whole as a result of undergoing three hernia operations; 40% permanent partial disability of the right wrist and 20% permanent partial disability of the body as a whole as a result of psychiatric problems. These findings are a result of the Claimant's testimony as well as all of the medical records and depositions submitted by the parties.

### **RULINGS OF LAW**

Based upon the findings of fact, I find the substantial weight of the evidence establishes:

1. The Claimant sustained 25% permanent partial disability of the left knee, to wit: 40 weeks x \$303.01 for a total of \$12,120.40 against the Employer/Insurer.
2. I find that the Claimant sustained the following preexisting injuries to the primary injury, to wit: 30% permanent partial disability of Claimant's right knee for a total of 48 weeks; 30% permanent partial disability of Claimant's left knee for a total of 48 weeks; 20% permanent partial disability of the body as a whole as a result of the disc herniation in Claimant's back for 80 weeks; 12.5% permanent partial disability of the body as a whole as a result of Claimant sustaining cervical syndrome for a total of 50 weeks; 20% permanent partial disability of Claimant's left arm at the shoulder for a total of 46.4 weeks; 15% permanent partial disability of the body as a whole due to Claimant undergoing three hernia operations for a total of 60 weeks; 40% permanent partial disability of Claimant's right wrist for a total of 70 weeks and 20% permanent partial disability of body as a whole due to psychiatric problems for a total of 80 weeks which amounts to 482.2 weeks of preexisting disability plus 40.4 weeks of permanent partial disability due to the primary injury for a

total of 522.6 weeks.

- I find that the synergistic effect of the injuries work in concert with each other to create additional disability best represented by a loading factor of 10% for a total of 52.26 weeks at \$303.01 for a total award of \$15,835.30 against the Second Injury Fund due to the fact that the primary injury and the preexisting injuries are significantly greater than their simple sum. Thus, the Second Injury Fund is liable for the amount of increase in disability caused by the synergistic effect of the prior injuries and the primary injury.

Date: \_\_\_\_\_

Made by: \_\_\_\_\_

Cornelius T. Lane  
*Administrative Law Judge*  
*Division of Workers' Compensation*

A true copy: Attest:

\_\_\_\_\_  
Reneé T. Slusher  
*Director*  
*Division of Workers' Compensation*

Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

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

Injury No.: 00-170577

Employee: Earlene Rukcic  
Employer: St. Louis Public Schools  
Insurer: Management Services, Inc.  
Additional Party: Treasurer of Missouri as Custodian  
of Second Injury Fund  
Date of Accident: December 18, 2000

Place and County of Accident: St. Louis City, Missouri

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated April 21, 2004. The award and decision of Administrative Law Judge Cornelius T. Lane, issued April 21, 2004, is attached and incorporated by this reference.

The Commission further approves and affirms the administrative law judge's allowance of attorney's fee herein as being fair and reasonable.

Any past due compensation shall bear interest as provided by law.

Given at Jefferson City, State of Missouri, this 8<sup>th</sup> day of February 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

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William F. Ringer, Chairman

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VACANT

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Member

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Attest: John J. Hickey, Member

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Secretary

**AWARD**

Employee:	Earlene Rukcic	Injury No.: 00-170577
Dependents:	N/A	Before the
Employer:	St. Louis Public Schools	<b>Division of Workers'</b>
Additional Party:	Second Injury Fund	<b>Compensation</b>
Insurer:	Management Services, Inc.	Department of Labor and Industrial
Hearing Date:	March 1, 2004	Relations of Missouri
		Jefferson City, Missouri
		Checked by: CTL:tr

**FINDINGS OF FACT AND RULINGS OF LAW**

1. Are any benefits awarded herein? Yes
4. Was the injury or occupational disease compensable under Chapter 287? Yes
3. Was there an accident or incident of occupational disease under the Law? Yes
8. Date of accident or onset of occupational disease: December 18, 2000
9. State location where accident occurred or occupational disease was contracted: St. Louis City
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
7. Did employer receive proper notice? Yes
8. Did accident or occupational disease arise out of and in the course of the employment? Yes
11. Was claim for compensation filed within time required by Law? Yes
10. Was employer insured by above insurer? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted:  
Claimant was on the school bus for a field trip assisting a sick child when the bus slid on ice forcing Claimant to fall down the bus steps.
12. Did accident or occupational disease cause death? No Date of death? N/A

- 13. Part(s) of body injured by accident or occupational disease: Right knee, back, neck and right shoulder
- 16. Nature and extent of any permanent disability: 20% body as a whole due to injuries to right knee, back, neck and right shoulder
- 15. Compensation paid to-date for temporary disability: -0-
- 16. Value necessary medical aid paid to date by employer/insurer? \$3,069.01

Employee: Earlene Rukcic Injury No.: 00-170577

- 17. Value necessary medical aid not furnished by employer/insurer? N/A
- 20. Employee's average weekly wages: \$886.93
- 19. Weekly compensation rate: \$599.96/\$314.26
- 20. Method wages computation: Agreement

**COMPENSATION PAYABLE**

21. Amount of compensation payable:	
80 weeks of permanent partial disability from Employer	\$25,140.80
22. Second Injury Fund liability: Yes	
60.24 weeks of permanent partial disability from Second Injury Fund	\$18,931.02
TOTAL:	\$44,071.82

23. Future requirements awarded: N/A

Said payments to begin immediately and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of 25% of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

James J. Sievers, Jr.

**FINDINGS OF FACT and RULINGS OF LAW:**

Employee: Earlene Rukcic Injury No.: 00-170577

Dependents: N/A  
Employer: St. Louis Public Schools  
Additional Party: Second Injury Fund  
Insurer: Management Services, Inc.

Before the  
**Division of Workers'  
Compensation**  
Department of Labor and Industrial  
Relations of Missouri  
Jefferson City, Missouri  
Checked by: CTL:tr

### **PRELIMINARIES**

A hearing was held in the above-mentioned matter on March 1, 2004. The Claimant, Earlene Rukcic, was represented by Attorney James Sievers, Jr. and the Employer was represented by Attorney Robin Jefferson. The Second Injury Fund was represented by Attorney Emily Kelly.

### **STIPULATIONS**

The parties stipulated to the following:

11. The Employer and Claimant were operating under and subject to the provisions of the Missouri Workers' Compensation Law;
12. The Claimant's average weekly wage was \$886.93 per week;
13. The rate of compensation for TTD was \$599.96 and the rate for PPD was \$314.26;
14. The Claimant sustained an accident arising out of and in the course and scope of her employment occurring in St. Louis City, Missouri; and
15. The Employer has not paid medical expenses and TTD benefits have been paid in the amount of \$3,069.01.

### **ISSUES**

The issues to be resolved in this proceeding are:

5. Nature and extent of permanent partial disability; and
6. Liability of the Second Injury Fund.

### **EXHIBITS**

The Claimant offered the following exhibits:

- Exhibit A. Deposition, Curriculum Vitae and Reports of Dr. David T. Volarich.
- Exhibit B. Deposition, Curriculum Vitae and Report of Dr. Wayne A. Stillings.
- Exhibit C. Deposition, Curriculum Vitae and Report of Dr. Jeffrey Magrowski.
- Exhibit D. Records of Des Peres Hospital including Records of Dr. Knight.
- Exhibit E. Records of Dr. John Wagner.
- Exhibit F. Records of Alexian Brothers Hospital including Records of Dr. Cantor.
- Exhibit G. Records of Jewish Hospital including Records of Dr. Meyer.

The Employer offered the following exhibits:

- Exhibit 1. Dr. Kostman.
- Exhibit 2. Dr. Sandra Tate.
- Exhibit 3. Dr. Anthony Sudekum.
- Exhibit 4. Dr. Wetzel.
- Exhibit 5. Dr. Bassett.

The Second Injury Fund offered no exhibits.

### **FINDINGS OF FACT**

20. Claimant, Earlene Rukcic, was born September 26, 1947 and was 56 years of age at the time of the hearing.
21. Claimant was a teacher for the St. Louis Public School District for approximately thirty years.
22. Claimant is a college graduate who received a Master's in Education and began a teaching career teaching

eighth graders and then kindergarteners in the St. Louis Public School District.

23. On December 18, 2000 Claimant was on a field trip with her class when she fell down the steps of a school bus and injured her neck, back, right shoulder and knee.
24. Claimant was treated by Dr. Sandra Tate for her injuries. The doctor gave her medication including steroid injections and Tretropran injections and Claimant was released from her care at maximum medical improvement on March 19, 2001.
25. Dr. David T. Volarich testified very credibly that as a result of the Claimant's injuries on December 18, 2000 he felt that Claimant sustained a 15% permanent partial disability of the body as a whole rated at the cervical spine due to the strain injury, the cervical strain and the aggravation of her cervical spine, degenerative arthritis at the C3-4 level, 15% permanent partial disability of the body as a whole rated at the lumbosacral spine due to the aggravation of her lumbar degenerative arthritis at L4-5, 20% permanent partial disability of the right upper extremity at the shoulder due to the aggravation of her degenerative arthritis in the right shoulder, and 15% permanent partial disability of the right lower extremity rated at the knee due to the contusion aggravation of her degenerative arthritis.
26. Claimant has sustained, prior to her primary injury of December 18, 2000, the following preexisting injuries: 30% permanent partial disability of the right knee for a total of 48 weeks; 30% permanent partial disability of the left knee for a total of 48 weeks; 20% permanent partial disability of the body as a whole as a result of a herniation in her low back for a total of 80 weeks; 12.5% permanent partial disability of the body as a whole due to cervical syndrome for a total of 50 weeks; 20% permanent partial disability of the left arm at the shoulder for a total of 46.4 weeks; 15% permanent partial disability of the body as a whole resulting from three hernia operations for a total of 60 weeks; 40% permanent partial disability of the right wrist for a total of 70 weeks; 20% permanent partial disability for psychiatric problems for a total of 80 weeks; and 25% permanent partial disability of the right knee for a total of 40 weeks or a total of 522.4 weeks of preexisting injuries plus, as a result of the primary injury to the neck, back, right shoulder and right knee of Claimant's body, 20% permanent partial disability of the body as a whole for a total of 80 weeks.
27. The above findings as to the permanent partial disability of the primary injury as well as the permanent partial disability of the preexisting injuries was a result of the medical records and depositions and the very credible testimony of Dr. Volarich and Dr. Stillings.

### **RULINGS OF LAW**

I find from the substantial weight of the evidence:

1. The opinions of Dr. David Volarich and Dr. William Stillings are probative and un rebutted.
2. I find that Claimant sustained 20% permanent partial disability of the body as a whole as a result of the injuries she sustained on December 18, 2000 to her neck, back, right shoulder and right knee for a total of 80 weeks of permanent partial disability at \$314.26 per week for a total of \$25,140.80.
3. I find that Claimant sustained the preexisting injuries to the primary injury, to wit: 20% permanent partial disability of the right knee for a total of 48 weeks; 30% permanent partial disability of the left knee for a total of 48 weeks; 20% permanent partial disability of the body as a whole as a result of a disc herniation in the low back for a total of 80 weeks; 12.5% permanent partial disability of the body as a whole as a result of cervical syndrome for a total of 50 weeks; 20% permanent partial disability of the left arm at the shoulder for a total 46.4 weeks; 15% permanent partial disability of the body as a whole as a result of three hernias for a total of 60 weeks; 40% permanent partial disability of the right wrist for a total of 70 weeks; 20% permanent partial disability for psychiatric problems for a total 80 weeks; and 25% permanent partial disability of the right knee for a total of 40 weeks for a total of 522.4 weeks of preexisting disability plus 80 weeks of permanent partial disability due to the primary injury for a total of 602.4 weeks.
4. I find that there is a synergistic effect to these injuries and that they work in concert with each other to create additional disability. This synergistic disability is best represented by a loading factor of 10% for a total of 60.24 weeks at \$314.26 per week for a total of \$18,931.02 against the Second Injury Fund due to the fact that the primary injury and the preexisting injuries are significantly greater than their simple sum. Thus, the Second Injury Fund is liable for the amount of the increase in disability caused by the synergistic effect of the prior injuries and the primary injury.

Date: \_\_\_\_\_

Made by: \_\_\_\_\_

Cornelius T. Lane

*Administrative Law Judge  
Division of Workers' Compensation*

A true copy: Attest:

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Reneé T. Slusher  
*Director*  
*Division of Workers' Compensation*