

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

Injury No.: 94-202424

Employee: Tresha Smith

Employer: Ford Motor Company

Insurer: Self-Insured

Date of Accident: February 16, 1994

Place and County of Accident: Kansas City, Clay County, Missouri

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission (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 May 31, 2007. The award and decision of Administrative Law Judge Rebecca S. Magruder, issued May 31, 2007, 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 16th day of April 2008.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Tresha Smith

Injury No. 94-202424

Dependents: N/A

Employer: Ford Motor Company

Insurer: Self-Insurer

Additional Party: N/A

Hearing Date: April 12, 2007

Checked by: RSM/lh

FINDINGS OF FACT AND RULINGS OF LAW

- 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: February 16, 1994.
- 5. State location where accident occurred or occupational disease was contracted: Kansas City, Clay County, Missouri.
- 6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes.
- 7. Did accident or occupational disease arise out of and in the course of the employment? Yes.
- 8. Was claim for compensation filed within time required by Law? Yes.
- 9. Was employer insured by above insurer? Yes.
- 10. Describe work employee was doing and how accident occurred or occupational disease contracted: The Claimant sustained injury to her arms and hands and body as a whole due to repetitive use of power tools while working in the assembly line.
- 11. Did accident or occupational disease cause death? No. Date of death? N/A
- 12. Part(s) of body injured by accident or occupational disease: Both upper extremities, psyche and body as a whole.
- 13. Nature and extent of any permanent disability: Permanent total disability.
- 14. Compensation paid to-date for temporary disability: \$20,289.62.
- 15. Value necessary medical aid paid to date by employer/insurer? \$29,161.14.
- 16. Value necessary medical aid not furnished by employer/insurer? \$12,122.06

17. Employee's average weekly wages: \$718.00.
18. Weekly compensation rate: \$470.06/\$246.22.
19. Method wages computation: By agreement of the parties.

COMPENSATION PAYABLE

20. Amount of compensation payable:

unpaid medical expenses	\$12,122.00
105 5/7 weeks for temporary total disability at \$470.06.....	49,692.12
14 weeks of disfigurement at \$246.22.....	3,447.08
weekly permanent total disability benefits at \$470.06 commencing January 15, 2003 and throughout remainder of Claimant's lifetime.	

21. Second Injury Fund liability: N/A

TOTAL: UNKNOWN

22. Future requirements awarded: Medical and permanent total disability benefits
(See Findings of Fact and Rulings of Law)

Said payments to begin upon receipt of award 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 percent of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant: Mr. Stuart Wieland.

FINDINGS OF FACT and RULINGS OF LAW:

Employee:	Tresha Smith	Injury No. 94-202424
Dependents:	N/A	
Employer:	Ford Motor Company	
Insurer:	Self-Insurer	
Additional Party:	N/A	
Hearing Date:	April 12, 2007	Checked by: RSM/lh

At the hearing on April 12, 2007, the parties stipulated to the following:

- that from September 1988 through February 21, 1994, Ford Motor Company was an employer

operating under the provisions of the Missouri workers' compensation law, and that their liability under said law was fully insured by the authority to self-insure'

- that from September of 1988 through February 21, 1994, Tresha Smith was an employee at Ford Motor Company and was working under the provisions of the Missouri workers' compensation law;
- that on or about February 21, 1994, Tresha Smith sustained an injury by occupational disease arising out of and in the course of her employment;
- that a claim for compensation was filed within the time prescribed by law;
- that the average weekly wage was \$718 and that the applicable compensation rate is \$470.06 per week for permanent total and temporary total disability benefits, and \$246.22 for permanent partial disability;
- that compensation has been paid in the amount of \$20,289.62 for 43 1/7ths weeks;
- that medical aid has been furnished by the employer in the amount of \$29,161.14;
- that temporary disability payments were made to the Claimant during the following periods of time: one, from September 22, 1995 through October 16, 1995; two, from May 6, 1997 through September 2, 1997; third, from October 20, 1997 through October 22, 1997; fourth, from September 24, 1999 through January 2, 2000; fifth, from March 16, 2000 through June 13, 2000; sixth, for the day of November 8, 2000; and last, for the period December 21, 2000 through December 24, 2000. The parties also stipulated that the Claimant's last day actually working for Ford Motor Company was January 2, 2001.

ISSUES

The issues to be determined by this hearing are as follows:

- Liability for past medical incurred by the Employee in the amount of \$12,122;
- Liability for future medical treatment;
- Liability for past temporary total disability benefits from January 2, 2001 through January 14, 2003;
- The nature and extent of permanent disability resulting from the February 21, 1994 injury; and
- Whether the Claimant is entitled to mileage. She is requesting \$1,801.80 for mileage.

EVIDENCE

The evidence in this case consisted of numerous medical depositions, reports and records, as well as the live testimony of the Claimant, her husband and her mother-in-law.

Date: _____

Made by: _____

Rebecca S. Magruder
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Patricia "Pat" Secret
Director
Division of Workers' Compensation

