

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

Injury No.: 96-159530

Employee: John Staggs  
Employer: Gilster Mary Lee Corporation (Settled)  
Insurer: Self-Insured (Settled)  
Additional Party: Treasurer of Missouri as Custodian  
of Second Injury Fund  
Date of Accident: October 23, 1996  
Place and County of Accident: Perry 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 modifies the award and decision of the administrative law judge dated March 31, 2005. The award and decision of Chief Administrative Law Judge Jack H. Knowlan, Jr., issued March 31, 2005, is attached and incorporated by this reference except as modified herein.

On page 15 of the award, the administrative law judge misstates employee's permanent partial disability rate as \$267.72. This error resulted in a misstatement of the Second Injury Fund's weekly obligation. The administrative law judge issued a purported Corrected Award on April 20, 2005. However, the purported Corrected Award is of no effect because the April 18, 2005, filing of the Application for Review divested the administrative law judge of jurisdiction over the claim.

We modify the award to incorporate the administrative law judge's attempted corrections. Employee's permanent partial disability rate is \$268.72. We modify the award to state that the Second Injury Fund is directed to pay the sum of \$244.29 per week for the period December 6, 2000, through April 22, 2006, this sum representing the difference between the permanent total disability rate of \$513.01 and employee's permanent partial disability rate of \$268.72. In all other respects, the award of the administrative law judge is affirmed as written.

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 28<sup>th</sup> day of December 2005.

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William F. Ringer, Chairman

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Alice A. Bartlett, Member

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John J. Hickey, Member

Attest:

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Secretary