

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

Injury No.: 02-038384

Employee: Ruben Story
Employer: University of Missouri/Chick-Fil-A
Insurer: Curators of the University of Missouri
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund
Date of Accident: April 16, 2002
Place and County of Accident: Columbia, Boone County, 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 October 27, 2004, and awards no compensation in the above-captioned case.

The award and decision of Administrative Law Judge Robert J. Dierkes, issued October 27, 2004, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 11th day of March 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

NOT SITTING

William F. Ringer, Chairman

Alice A. Bartlett, Member

Attest: _____
John J. Hickey, Member

Secretary

AWARD

Employee: Ruben Story

Injury No. 02-038384

Before the

**DIVISION OF WORKERS'
COMPENSATION**
Department of Labor and Industrial Relations of Missouri
Jefferson City, Missouri

Dependents: N/A

Employer: University of Missouri

Employer: Chick-Fil-A

Additional Party: Second Injury Fund

Hearing Date: October 20, 2004

Checked by: RJD/tmh

FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? No.
2. Was the injury or occupational disease compensable under Chapter 287? No.
3. Was there an accident or incident of occupational disease under the Law? No.
4. Date of accident or onset of occupational disease: Alleged as April 16, 2002.
5. State location where accident occurred or occupational disease was contracted: Alleged as Columbia, Boone County, Missouri.
6. Was above employee in employ of above employer at time of alleged accident or occupational disease?
Unknown.
7. Did employer receive proper notice? Unknown.
8. Did accident or occupational disease arise out of and in the course of the employment? No.
9. Was claim for compensation filed within time required by Law? Yes.
10. Was employer insured by above insurer? Unknown.
11. Describe work employee was doing and how accident occurred or occupational disease contracted: N/A.
12. Did accident or occupational disease cause death? N/A. Date of death? N/A.
13. Part(s) of body injured by accident or occupational disease: N/A.
14. Nature and extent of any permanent disability: N/A.
15. Compensation paid to-date for temporary disability: N/A.
16. Value necessary medical aid paid to date by employer/insurer? N/A.
17. Value necessary medical aid not furnished by employer/insurer? N/A.
18. Employee's average weekly wages: Unknown.
19. Weekly compensation rate: Unknown.
20. Method wages computation: N/A.

COMPENSATION PAYABLE

21. Amount of compensation payable: None

22. Second Injury Fund liability: No.

FINDINGS OF FACT and RULINGS OF LAW:

Employee: Ruben Story

Injury No: 02-038384

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

Dependents: N/A

Employer: University of Missouri
Employer: Chick-Fil-A

Additional Party: Second Injury Fund

Checked by: RJD/tmh

FINDINGS OF FACT AND RULINGS OF LAW

On July 26, 2004, all parties were notified by the Division of Workers' Compensation that the case was scheduled for an evidentiary hearing on Wednesday, October 2, 2004, at 1:00 P.M. at the Boone County Courthouse in Columbia, Missouri. The notice was sent by certified mail and by regular mail to Claimant Ruben Story to both of the following addresses: P.O. Box 252, El Paso, TX 79902; and 1119 North El Paso St., El Paso, TX 79902.

On October 20, 2004, at 1: 20 P.M., the undersigned administrative law judge for the Division of Workers'

Compensation called the case for hearing. Employer, University of Missouri, was present by counsel, George Floros, and announced ready for hearing. There was no appearance by Employee. There was no appearance by alleged employer, Chick-Fil-A. There was no appearance by the Second Injury Fund. Employee, not being present, adduced no evidence. Employer, University of Missouri, by counsel, George Floros, adduced no evidence. Alleged employer, Chick-Fil-A, not being present, adduced no evidence. The Second Injury Fund, not being present, adduced no evidence. The case was submitted.

There being no evidence presented, all issues are found against Employee. Employee's claim for compensation is denied, and Employee is awarded no compensation.

Date: _____

Made by: _____

ROBERT J. DIERKES
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Gary J. Estenson
Acting Director
Division of Workers' Compensation