

TEMPORARY OR PARTIAL AWARD

(Modifying Award and Decision of Administrative Law Judge)

Injury No.: 07-039864

Employee: Billy Wheeler
Employer: Federal Mogul Corporation
Insurer: Phoenix Insurance Company
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund (Open)

This workers' compensation case is submitted to the Labor and Industrial Relations Commission (Commission) for review as provided by § 287.480 RSMo.¹ We have reviewed the evidence and considered the whole record. We find 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 Law. Pursuant to § 287.510 RSMo, we issue this temporary or partial award affirming the January 14, 2011, award and decision of the administrative law judge, as modified herein.

The administrative law judge designated his award a "Partial Award." Employee filed an Application for Review. Employer/insurer filed a Motion to Dismiss the Application for Review because the "Partial Award" is not a final reviewable award. We agree with employer/insurer. We accept jurisdiction of employee's Application for Review for the limited purpose of modifying the administrative law judge's award to denominate it a temporary or partial award.

In all other respects, we affirm the award and decision of the administrative law judge. The award and decision of Administrative Law Judge Joseph E. Denigan issued January 14, 2011, is attached hereto and incorporated herein to the extent not inconsistent with this decision and award.

This award is only temporary or partial. It is subject to further order, and the proceedings are hereby continued and kept open until a final award can be made. All parties should be aware of the provisions of § 287.510 RSMo.

Given at Jefferson City, State of Missouri, this 20th day of July 2011.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

Curtis E. Chick, Jr., Member

Attest:

Secretary

¹ Statutory references are to the Revised Statutes of Missouri 2006, unless otherwise indicated.