

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

Injury No.: 04-024566

Employee: Robin Willis
Employer: Missouri Department of Transportation
Insurer: Self-Insured
Date of Accident: March 18, 2004
Place and County of Accident: St. Louis 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 March 19, 2007. The award and decision of Administrative Law Judge Cornelius T. Lane, issued March 19, 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 31ST day of July 2007.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Robin Willis

Injury No.: 04-024566

Dependents: N/A

Employer: Missouri Department of Transportation

Additional Party: N/A

Insurer: Self-Insured

Hearing Date: February 13, 2007

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: March 18, 2004
5. State location where accident occurred or occupational disease was contracted: St. Louis County, Mo.
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? Self-Insured
11. Describe work employee was doing and how accident occurred or occupational disease contracted: Claimant was operating Employer's truck when she was struck from the rear.
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: Low back
14. Nature and extent of any permanent disability: 7 ½% of the body as a whole referable to the low back
15. Compensation paid to-date for temporary disability: -0-
16. Value necessary medical aid paid to date by employer/insurer? \$1,123.32

Employee: Robin Willis

Injury No.: 04-024566

17. Value necessary medical aid not furnished by employer/insurer? -0-
18. Employee's average weekly wages: \$533.54
19. Weekly compensation rate: \$355.69/\$347.05
20. Method wages computation: Stipulation

COMPENSATION PAYABLE

21. Amount of compensation payable:

30 weeks of permanent partial disability

\$10,411.50

22. Second Injury Fund liability: No

TOTAL: \$10,411.50

23. Future requirements awarded: None

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 Malone

FINDINGS OF FACT and RULINGS OF LAW:

Employee:	Robin Willis	Injury No.:	04-024566
Dependents:	N/A	Before the	Division of Workers'
Employer:	Missouri Department of Transportation	Compensation	Department of Labor and Industrial
Additional Party:	N/A		Relations of Missouri
			Jefferson City, Missouri
Insurer:	Self-Insured	Checked by:	CTL:tr

PREFACE

A hearing was held in the above-mentioned matter on February 13, 2007. The Claimant, Robin Willis, was represented by Attorney James Malone. The Employer, Missouri Department of Transportation, was represented by Attorney Jeffrey Wright.

STIPULATIONS

1. The Claimant's average weekly wage is \$533.54 with rates of compensation of \$355.69 for temporary total disability and \$347.05 permanent partial disability benefits.
2. Employer paid no temporary total disability benefits.
3. Employer paid medical benefits in the amount of \$1,123.32.

ISSUE

1. Nature and extent of Claimant's permanent partial disability.

EXHIBITS

The Claimant offered the following exhibits:

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|------------------|--|
| Joint Exhibit A. | Treatment Records from Concentra Medical Center. |
| Exhibit B. | Treatment Records from Dr. Charles Vaughn. |
| Exhibit C. | Deposition of Dr. Robert Poetz. |

The Employer offered the following exhibits:

- | | |
|-------------------|--|
| Exhibits 1 and 2. | Treatment Records from Concentra Medical Center in Deposition of Dr. Richard Katz. |
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FINDINGS OF FACT

1. At the time of the hearing, the Claimant, Robin Willis, was 45 years of age and was employed as a supervisor for MODOT on March 18, 2004.
2. The Claimant was driving Employer's truck when she was rear-ended by a truck operated by an employee of the City of Alton, Illinois.
3. Claimant reported the accident as well as indicated to her supervisor that her back was hurting.
4. On March 24, 2004, Claimant was sent to Concentra for medical treatment and she was given physical therapy for approximately three weeks and she was given certain restrictions when she was returned to work. Claimant was diagnosed as having strain/sprain of the low back.
5. On April 9, 2004, Claimant was released from Concentra and she returned to her regular duties.
6. Claimant, after returning to her regular job, had a number of complaints with her low back hurting and she went to see a chiropractor who saw her for approximately one month.
7. Claimant, since the time of the injury of March 18, 2004, continues to complain of her back problems especially when she is working. Claimant left her Employer approximately a month and a half after the March 18, 2004, incident. She then became employed by Metropolitan Sewer District and indicated in her testimony that her job is very labor intensive and she has to tear manholes, shove, load, and use a pick hammer.
8. Dr. Robert Poetz testified very credibly on behalf of the Claimant and was of the opinion that the Claimant sustained a 20% permanent partial disability of the body as a whole referable to the low back as a result of the March 18, 2004 motor vehicle accident.

RULINGS OF LAW

Based upon all of the evidence, the medical records and the Claimant's testimony, I find:

1. Claimant sustained a 7 ½% permanent partial disability of the body as a whole as a result of the motor vehicle accident of March 18, 2004.

Date: _____

Made by: _____

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

A true copy: Attest:

Patricia "Pat" Secret
Director
Division of Workers' Compensation