

FINAL AWARD ALLOWING COMPENSATION

Injury No.: 06-121451

Employee: Cynthia Zorich
Employer: Anheuser Busch, Inc. (Settled)
Insurer: Anheuser Busch, Inc. (Settled)
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund

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 and 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, except as modified herein. Pursuant to § 286.090 RSMo, we issue this final award and decision affirming the June 19, 2012, award and decision of the administrative law judge, as modified herein. We adopt the findings, conclusions, decision, and award of the administrative law judge to the extent that they are not inconsistent with the findings, conclusions, decision, and modifications set forth below.

Employee requests that we modify the award to reflect the actual date of injury or occupational disease as June 14, 2008. The Second Injury Fund does not oppose employee's request. We modify the award to find that the date of employee's injury or occupational disease was June 14, 2008.

Employee attaches a document entitled Addendum One to her Application for Review and requests that we incorporate Addendum One into our final award. The Second Injury Fund does not oppose the request. Addendum One is attached hereto and incorporated as a part of this award

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.

The award and decision of Administrative Law Judge Cornelius T. Lane, issued June 19, 2012, is attached and incorporated by this reference except to the extent modified herein.

Given at Jefferson City, State of Missouri, this 27th day of March 2013.



LABOR AND INDUSTRIAL RELATIONS COMMISSION

VACANT
Chairman
[Signature]
James Avery, Member
[Signature]
Curtis E. Chick, Jr., Member

Attest:
[Signature]
Secretary

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

ADDENDUM ONE
TO BE INCORPORATED AS PART OF THE AWARD

EMPLOYEE: CYNTHIA ZORICH
INJURY NO: 06-121451

SSN: 493-58-1149

Employee in her own behalf, represents that Employee was born on October 12, 1951 and is presently sixty-two (61) years of age, with a life expectancy of 23.3 years, or 1,211.6 weeks, or 279.6 months, for a White Female according to the Life Table published by the National Center for Health Statistics in 2008.

The lump sum of the award against the Second Injury Fund is the in the gross amount of \$15,660.11 respectively, as is reflected in the award. Hence the gross amount of this award is \$15,660.11 and amounts after attorney fees and expenses to a net sum to be paid to employee of \$11,745.08.

Employee, in her own behalf, herewith elects to prorate this net sum from this settlement from the date upon which the award is approved by the Division of Workers' Compensation until the remainder of employee's expected life, a period of 23.3 years, or 1,211.6 weeks, or 279.6 months, as aforesaid.

Hence, employee, in his own behalf, represents and elects that the net sum received by employee of \$11,745.08 from the award constitutes a prorated amount received by employee of \$9.96 per week, which would be owed to employee if this net sum were to be paid on a weekly basis from the date upon which the award is approved by the Division of Workers' Compensation until the remainder of employee's expected life ($\$11,745.08 / 1,211.6 \text{ weeks} = \9.96 per week). On a monthly basis, the prorated amount is \$42.00 per month, ($\$11,745.08 / 279.6 \text{ months} = \42.00 per month).

Award Memorandum

TOTAL AWARD	\$ 15,660.11
Less Case Costs	\$ N/A
Less Attorney Fees	<u>\$ 3,915.05</u>
NET TO EMPLOYEE	\$ 11,745.08

Approved by: _____
Division of Workers' Compensation

Dated: _____

AWARD

Employee: Cynthia Zorich

Injury No.: 06121451

Dependents: N/A

Before the
**Division of Workers'
Compensation**

Employer: Anheuser Busch Inc.

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

Additional Party: Second Injury Fund

Insurer: Anheuser Busch Inc.

Hearing Date: March 26, 2012

Checked by: CTL;cw

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: February 22, 2008
5. State location where accident occurred or occupational disease was contracted: St. Louis, City, Missouri
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? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted: developed left carpal tunnel syndrome
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: left wrist
14. Nature and extent of any permanent disability: 15% permanent partial disability left wrist
15. Compensation paid to-date for temporary disability: N/A
16. Value necessary medical aid paid to date by employer/insurer? N/A

Employee: Cynthia Zorich

Injury No.: 06-121451

- 17. Value necessary medical aid not furnished by employer/insurer? N/A
- 18. Employee's average weekly wages: \$993.81
- 19. Weekly compensation rate: \$662.55/\$365.08
- 20. Method wages computation: Stipulation

COMPENSATION PAYABLE

21. Amount of compensation payable: 15% left wrist previously paid by Employer

22. Second Injury Fund liability:

42.895 weeks of permanent partial disability from Second Injury Fund at for a total of \$15,660.11.	\$365.08
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TOTAL:	\$15,660.11
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23. Future requirements awarded: N/A

Said payments to begin 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: Michael Vogt

FINDINGS OF FACT and RULINGS OF LAW:

Employee: Cynthia Zorich

Injury No.: 06-121451

Dependents: N/A

Employer: Anheuser Busch Inc.

Before the
**Division of Workers'
Compensation**

Additional Party: Second Injury Fund

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

Insurer: Anheuser Busch Inc.

Checked by: CTL,cw

PREFACE

Claimant, Cynthia Zorich, had a primary case against her employer Anheuser Busch Inc. which was settled. A hearing was held in this matter against the Second Injury Fund. Claimant, Cynthia Zorich, was represented by attorney Michael Vogt, and Second Injury Fund was represented by Assistant Attorney General Rachael Houser.

STIPULATIONS

On or about February 22, 2008, Claimant sustained a work related injury to her left carpal tunnel and as a result Claimant settled her primary case for 15% permanent partial disability of the left wrist at the 175 week level.

Claimant permanent partial disability rate at the time of the injury was \$365.08

Claimant's pre existing injuries or disabilities prior to her primary injury of February 22, 2008 were:

- a. Permanent partial disability of 15% of the right wrist at the 175 week level and 15% permanent partial disability for the right upper extremity at 232 week level.
- b. Parties agree that a 15% load factor should be added to the prior and pre existing conditions to Claimant's right upper extremity and 15% permanent partial disability of the right upper extremity.
- c. Claimant also had the following four pre existing conditions, which the parties agree that a 10% load factor should be made. They are:

27.5% permanent partial disability rating for the lower extremity at 160 week level.

27.5% permanent partial disability rating of the right lower extremity at 160 week level.

25% permanent partial disability rating of the body as a whole including the cervical spine.

27.5% permanent partial disability rating of the body as a whole referring to the lumbar spine.

EXHIBITS

The Court admitted into evidence Claimant's Exhibits A through G.

RULINGS OF LAW

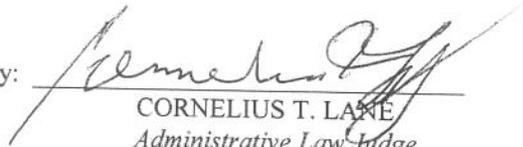
The Second Injury Fund is liable to the Claimant with regard to the primary injury and the following pre existing injury with a 10% load factor as follows 27.5% permanent partial disability of the left knee at the 160 week level for a total of 44.00 weeks permanent partial disability and 27.5% permanent partial disability of the right knee for a total of 44.00 weeks permanent partial disability and 25% permanent partial disability of the body as a whole with regards to the cervical spine for a total of a 100 weeks and 27.5% permanent partial disability the body as a whole referable to the lumbar spine for a 110 weeks permanent partial disability for a total of 298.00 weeks for permanent partial disability with a 10% load factor for a total of 29.80 for permanent partial disability.

Second Injury Fund must pay 42.895 weeks of permanent partial disability, at the permanent partial disability 365.08 per week for a total of \$15,660.11

I certify that on 6/19/12 I mailed a copy of the foregoing award to the following entities at their address of record: 1) parties by certified mail, and 2) counsel for the parties by first-class mail.

By np

Made by:



CORNELIUS T. LANE
Administrative Law Judge
Division of Workers' Compensation