

SUPREME COURT OF MISSOURI

Messersmith v. University of Missouri-Columbia/Mt. Vernon
Rehabilitation Center

43 S.W.3d 829 (Mo. banc 2001) · Decided May 15, 2001

SUMMARY

The Missouri Supreme Court affirmed a workers’ compensation award to Glenda Messersmith despite her failure to provide written notice of her workplace injury within the statutory 30-day period. The court held that the Commission had sufficient evidence to find good cause for the delay because the injury initially appeared minor and its work-related nature became apparent only after later medical diagnoses. The court did not resolve whether the employer was prejudiced by the delayed notice.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Price, Chief Justice; Limbaugh, J.; White, J.; Holstein, J.; Wolff, J.; Benton, J.; Edwards, Special Judge
JURISDICTION	Missouri
DECIDED	May 15, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Missouri Rehabilitation Center appealed the Labor and Industrial Relations Commission's final workers' compensation award, which affirmed and incorporated the administrative law judge's decision awarding Messersmith \$36,143.
STANDARD OF REVIEW	Under section 287.495, the court reviews only questions of law and does not reweigh factual findings made by the Commission within its powers. The court considers the evidence and all reasonable inferences in the light most favorable to the award and Commission findings, asking whether the facts support the award and whether sufficient competent evidence warranted it.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Missouri Rehabilitation Center, operated by the University of Missouri-Columbia v. Glenda Messersmith

TOPICS

workers compensation

standard of review

appellate procedure

statutory interpretation

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether Messersmith's failure to provide written notice within thirty days under section 287.420 was excused by good cause.
2. Whether the Commission's findings that Messersmith had good cause for the delayed notice and that the employer was not prejudiced were supported by sufficient competent evidence.
3. What standard and scope of appellate review apply to the Commission's workers' compensation award.

HOLDINGS

1. Timely notice is not an unconditional prerequisite to recovery under section 287.420; the failure to provide timely written notice may be excused if the Commission finds good cause or determines that the employer was not prejudiced.
2. The Commission properly found good cause for Messersmith's delayed notice because her injury appeared latent: her initial symptoms dissipated, later worsened, and her medical diagnoses did not initially connect the condition to the workplace accident.
3. The Commission's findings that Messersmith suffered a work-related injury and had good cause for delayed notice were supported by sufficient competent evidence and warranted the award.
4. The court did not need to resolve the prejudice issue because its ruling that Messersmith had good cause independently supported the award.

KEY QUOTATIONS

"Giving notice is not an unconditional prerequisite to recovery." (at 830)

"Messersmith's injury is the type of latent injury that this Court has held to be a good cause for an innocent delay in filing an injury report with an employer." (at 831)

"We review the record, considering the evidence and all reasonable inferences therefrom in the light most favorable to the award and the findings of the Commission." (at 832)

FACTUAL BACKGROUND

Messersmith, an LPN at the Missouri Rehabilitation Center, was injured on December 25, 1996, when a stroke patient fell on her neck and right shoulder while she was assisting the patient. Her initial pain subsided, later recurred in her left arm, and progressively worsened. She did not initially connect the symptoms to the workplace incident and notified her employer 47 days after the accident, submitting a written accident report 54 days after the accident. The employer presented no evidence of prejudice from the delayed notice.

PROCEDURAL HISTORY

The administrative law judge awarded Messersmith workers' compensation benefits. The Labor and Industrial Relations Commission affirmed and incorporated the ALJ's decision. The Supreme Court of Missouri affirmed the Commission's final award.

DISPOSITION

affirmed

CASES CITED

- West v. Posten Construction Co., 804 S.W.2d 743, 744 (Mo. banc 1991)
- Newman v. Rice-Stix Dry Goods Co., 335 Mo. 572, 73 S.W.2d 264 (1934)
- State ex rel. Buttiger v. Raid, 330 Mo. 1030, 51 S.W.2d 1008 (1932)

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