

SUPREME COURT OF MISSOURI

Oswald v. National Fabco Manufacturing, Inc.

77 S.W.3d 611 (Mo. banc 2002) · Decided June 25, 2002

SUMMARY

The Missouri Supreme Court affirmed the Labor and Industrial Relations Commission’s award of workers’ compensation benefits to James Oswald against National Fabco Manufacturing, Inc. The court held that Fabco, as the last employer before Oswald filed his claim and having employed him for more than three months, was liable under sections 287.063 and 287.067.7 for the claimed occupational injuries.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Limbaugh, C.J.; Wolff, J.; Benton, J.; Laura Denvir Stith, J.; Price, J.; Lowenstein, Sp.J.; White, J.; Richard B. Teitelman, J.
JURISDICTION	Missouri
DECIDED	June 25, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Review of a Labor and Industrial Relations Commission decision awarding workers' compensation benefits solely against National Fabco Manufacturing, Inc., after the administrative law judge had apportioned liability between employers.
STANDARD OF REVIEW	The court reviewed the Commission's decision under the applicable workers' compensation statutes and determined whether the last employer before the claim was filed was liable for the claim.
PRECEDENTIAL VALUE	Published Missouri Supreme Court opinion
PARTIES	National Fabco Manufacturing, Inc. v. James Oswald, Southern Equipment Company

TOPICS

- workers compensation
- administrative law
- judicial review of agency action
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Fabco, as the last employer before Oswald filed his workers' compensation claim, was liable for all benefits related to his bilateral carpal tunnel syndrome even though he was first diagnosed while employed by Southern.
2. Whether the statutory exception in section 287.067.7 relieved Fabco of liability because the condition was diagnosed during prior employment.

HOLDINGS

1. The last employer before the claim was filed is liable for the occupational-disease claim under section 287.063 when the claimant worked for that employer for more than three months.

KEY QUOTATIONS

"Fabco, the last employer before the claim was filed, is liable for Oswald's claim pursuant to section 287.063." (612)

"The exception in section 287.067.7 does not apply, because Oswald's exposure with Fabco exceeded three months in duration." (612)

FACTUAL BACKGROUND

Oswald worked for Southern Equipment Company, Quipco Products, and then National Fabco Manufacturing, performing substantially similar sheet-metal work involving repetitive hand and overhead activities. He was first diagnosed with bilateral carpal tunnel syndrome and a right rotator-cuff tear in 1990 while employed by Southern, and his condition worsened through his employment with Fabco. He filed a workers' compensation claim against all three employers after working for Fabco for more than three months, and medical testimony attributed his injuries to repetitive heavy work and sheet-metal work as a substantial contributing factor.

PROCEDURAL HISTORY

The administrative law judge found Oswald permanently and partially disabled from bilateral carpal tunnel syndrome and left-shoulder rotator-cuff injury and apportioned some liability to Southern Equipment Company and the remainder to Fabco. The Labor and Industrial Relations Commission partly reversed, assigning all disability-related benefits to Fabco. The Supreme Court of Missouri affirmed the Commission.

DISPOSITION

affirmed

CASES CITED

- Endicott v. Display Technologies, 77 S.W.3d 612 (Mo. banc 2002)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/missouri-supreme-court-of-missouri/2002/oswald-v-national-fabco-manufacturing-inc-xv4x3m8g>