

ELIZABETH EDMONDS, Employee v. FRESENIUS MEDICAL CARE, Employer,
SELF-INSURED (CNA Claim Plus, Servicing Agent)

No. 487A04

FILED: 4 MARCH 2005

Workers' Compensation--renal problems--exacerbation by drugs for back injury--failure of proof

The decision of the Court of Appeals in this case upholding an award of compensation to plaintiff for reduced renal function was reversed for the reason stated in the dissenting opinion that plaintiff failed to prove that her pre-existing kidney problems were exacerbated by nonsteroidal anti-inflammatory drugs taken as part of her treatment for a compensable back injury.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ____ N.C. App. ____, 600 S.E.2d 501 (2004), affirming an opinion and award entered by the North Carolina Industrial Commission on 5 May 2003. Heard in the Supreme Court 7 February 2005.

Randy D. Duncan for plaintiff-appellee.

Hedrick Eatman Gardner & Kincheloe, LLP, by Mel J. Garofalo and Shannon P. Herndon, for defendant-appellant Fresenius Medical Care.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed.

REVERSED.