

Jurisdiction (287.110)

1. Injuries and O.D. contracted in State
2. Contract of employment in State, or
3. Employment principally localized in State

Limitations (287.430)

1. Maintain claim within 2 years of injury or death or last payment on account of injury (additional year if report of injury not filed)

Report of Injury (287.380)

1. Must notify Division within 30 days of knowledge of accident and, within one month, file complete report of injury - if furnish medical aid or compensation. Failure to do so can result in criminal and monetary charges.

Burden of Proof

1. Accident/exposure must be the prevailing factor in causing the injury and resulting medical condition. (287.020(3)(2)(a))
2. Repetitive Trauma - work must be the prevailing factor causing both resulting medical condition and disability - treated as occupational disease - if exposure is less than 3 months and repetitive motion with prior employer the prevailing factor, then prior employer liable (287.067)

Reduction of Benefits

1. Safety Rule or Device - failure to use or follow may result in 25-50% reduction in compensation (287.120(5))
2. Drugs & Alcohol - fail to obey rule or policy then 50% reduction in compensation if injury sustained in conjunction with use (287.120(6)(1))
(a) Total defense if non-prescribed drugs or alcohol was proximate cause (287.120(6)(2))
3. Penalties apply to all benefits – medical, TTD, PPD (PTD and Death).

Notice of Injury (287.127(2))

1. Must be reported within 30 days and for O.D. reported within 30 days employee is reasonably aware of work relatedness

AWW/Rate (287.250)

1. AWW - 13 weeks preceding injury
2. Rate 2/3 of AWW subject to max & min.

Benefits

1. Medical - reasonably required to cure and relieve the effects of the injury (287.140)
 - a. Treaters - selected by employer (287.140(10))
 - b. Mileage - if treatment outside local or metropolitan area from employee's principal place of employment
2. TTD
 - a. Up to 400 weeks (287.170)
 - b. Waiting period - 3 days during which employer is open for purpose of operating business - if disability lasts more than 14 days - first 3 days retroactive (287/160(1))
 - c. Basis for termination
 1. Return to work
 2. Reaches MMI
 3. Received unemployment comp (287.170 (2)(3))
 4. If terminated from employment due to post-injury misconduct (287.170 (2)(4))*Must notify employee of termination of benefits (287.203)
3. TPD (297.180)
 - a. Up to 100 weeks, 2/3 difference between average earnings prior to accident and amount able to earn during disability (287.180)
 - b. Must notify employee of termination of benefits (287.203)
4. PPD (287.190)
 - a. Per scheduled injuries under 287.190 (1-4)

Missouri Workers' Compensation At-A-Glance Continued

5. PTD (287.200)

- a. For lifetime of employee if unemployable in open labor market due to work injury
 - i. May owe benefits to dependents on death of employee (Schoemehl case) (Schoemehl case amended out of statute in 2008)
 - ii. Second Injury Fund may be liable for PTD if disability due to combination of prior and current disabilities

6. Death (287.240)

- a. Burial expense not to exceed \$5000.00
- b. Dependents
 - 1. Relative by blood or marriage, who is actually dependent for support on employee's wages at time of injury
 - 2. Presumed dependents
 - a. spouse for which legally liable for support
 - i. remarriage - 2 year lump sum payment
 - b. Natural posthumous or adopted children under age 18 or over age 18 if...
 - i. Physically or mentally incapacitated from wage earning
 - ii. 2. Until 22 years of age, if fulltime student in accredited institution
 - iii. 3. Member of Armed Forces on active duty

Subrogation (287.150)

1. Employer/carrier entitled to subrogation of 3rd party recovery minus proportionate share of expenses of recovery, including reasonable attorney fee "Ruediger" Formula - W.C.
paid/gross 3rd party Recovery x Net 3rd Party recovery = Subrogation Amount due employer/work

OFFICE LOCATIONS:

211 N. Broadway, Suite 2500
St. Louis, MO 63102
(314) 621-7755

1100 Main Street, Suite 2000
Kansas City, MO 64105
(816) 472-4600

4905 S. National Ave., Bldg. B
Springfield, MO 65810
(417) 882-4700

501 Cherry St., Suite 200
Columbia, MO 65201
(573) 777-8823

222 S. 72nd St., Suite 302
Omaha, NE 68114
(402) 397-0800

9393 W. 110th St., Suite 120
Overland Park, KS 66210
(913) 701-6810

www.evans-dixon.com

