

**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

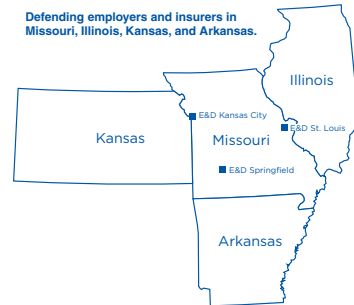
### 6. Death (287.240)

- 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 3<sup>rd</sup> 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

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