



# Evans & Dixon, L.L.C.

## *Missouri Workers' Compensation At-A-Glance*

Missouri Division of Workers' Compensation  
www.dolir.mo.gov/wc

### **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 (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

### **Burden of Proof**

1. Accident/exposure must be the prevailing factor in causing the injury (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 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))

### **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)
5. PTD (287.200)
  - a. For lifetime of employee if unemployable in open labor market due to work injury



## Missouri Workers' Compensation At-A-Glance Continued

### 5. PTD (287.200) continued...

1. May owe benefits to dependents on death of employee (Schoemehl case) (Schoemehl case amended out of statute in 2008)
2. 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
      1. remarriage - 2 year lump sum payment
    - b. Natural posthumous or adopted children under age 18 or over age 18 if...
      1. Physically or mentally incapacitated from wage earning
      2. Until 22 years of age, if full-time student in accredited institution
      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 comp carrier

## OFFICE LOCATIONS:

### **Evans & Dixon, L.L.C.**

515 Olive Street, Suite 1100  
St. Louis, Missouri 63101  
(314) 621-7755



### **Evans & Dixon, L.L.C.**

1717 E. Republic Rd., Suite C  
Springfield, Missouri 65804  
(417) 882-4700

### **Evans & Dixon, L.L.C.**

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

[www.evans-dixon.com](http://www.evans-dixon.com)