

MISSOURI WORKERS' COMPENSATION

Most employees in the State of Missouri are covered under the Missouri Workers' Compensation Act. This statute provides employees certain benefits if they have sustained a work related injury. This fact sheet is intended to provide the reader with a general overview of the Missouri Workers' Compensation system and to provide a general understanding of the benefits that are provided under the workers' compensation system.

The attorneys at Eng & Woods Law Firm dedicate a large portion of their time to aiding employees that have been injured in a work-related accident. If you have been injured in a work-related accident, it is helpful to understand the general rights to which you are entitled so that you can make sure your employer is satisfying their legal obligations under the Missouri Workers' Compensation Act.

AM I COVERED BY THE MISSOURI WORKERS' COMPENSATION STATUTE?

Most employees in the State of Missouri are covered by the Missouri Workers' Compensation Statute. In order to be covered, you must be employed by an employer which is defined as an entity that has five or more employees, unless you are employed in a construction type job, in which case your employer only needs to have one employee. Employees of the State of Missouri are also covered by this statute. However, employees of the federal government are covered by the Federal Workers' Compensation Statute which is different from the rights that are explained on this page.

If an individual is hired as an independent contractor then they are not covered under the workers' compensation system as they are not considered employees. For example, if a homeowner hires a roofing company to install a new roof, the homeowner is not considered the employer of those individuals, as the roofing company is only hired for that single job. If the roofing company though has employees, or subcontracts the job to another entity, then those individuals would be considered employees of the roofing company. An Eng & Woods attorney would be able to discuss your employment arrangement with you to and advise you during a free consultation regarding whether or not you are covered by the Missouri Workers' Compensation system.

Once it has been determined that an employee is covered by this system, the employee then has three main rights that are available. The employee has the right to receive medical care, at the expense of the employer, without a co-pay, deductible or limit to the employee. If the employee is missing more than three days of work, then the employee is entitled to receive a weekly check, called temporary total disability during the duration of the employee's recovery, until the time the employee is able to return to work. Once the employee has completed their medical care, and if the employee has any permanent disability as a result of the injury, then the employee will be entitled to either a permanent partial disability settlement or permanent total disability settlement depending on the nature and extent of the injury.

MEDICAL CARE

If you require medical care as a result of your work related injury, then the employer is required to provide you with medical treatment without any cost to you. The employer is allowed to direct which doctor you are to see and, generally, they are only obligated to pay for that treatment when it has been authorized in advance and is with the physician selected by the employer. You always have a right to see your own physician or to seek a second opinion from a physician of your choice. However, if the employer is providing authorized medical care then they would not be obligated to pay for that additional treatment. Unless an employer is self insured, then this medical care will be directed through a workers' compensation insurance company, which will assign a claims adjuster to your case who will contact you regarding the scheduling of your medical visits and the provision of your medical care.

It will frequently occur that the workers' compensation doctor, which has been hired by the employer/insurer, may release you from medical care before you think you are ready to return to work or before you think you have completed your medical treatment. If this has occurred, then you should contact one of the experienced attorneys at Eng & Woods Law Firm for a free consultation regarding what options you have available to either restart the authorized medical care by the employer/insurer, or to obtain additional treatment on your own.

TEMPORARY TOTAL DISABILITY:

Oftentimes you may miss work as a result of your work related injury. If your doctor indicates that you are unable to work as a result of your injury then the employer/insurer will begin sending you a weekly check for temporary total disability. This check will be in the amount of two thirds of your average weekly wage which, normally, is determined by averaging the wages earned during the thirteen weeks prior to your date of injury. This weekly payment is subject to a maximum amount which changes on a yearly basis. In some situations, your doctor may indicate that you can return to work but with limitations on the activities that you can perform.

If this occurs to you then you should contact your employer in order to determine whether they have work available for you within those doctor's restrictions. If the employer does have work available within those restrictions then you will return to work and draw your paycheck from the employer instead of the temporary total disability check through workers' compensation. If the employer is unwilling or unable to provide work within those restrictions then the employee remains off work and continues to draw that weekly check until they can either return to work, or until they have completed their medical care. If you have any questions regarding whether or not you should be receiving this weekly check or, if you wonder if the check is the correct amount, then you should contact an experienced Eng & Woods attorney for a free consultation regarding your workers' compensation claim.

PERMANENT PARTIAL/TOTAL DISABILITY:

Once you have completed your medical care, you may be entitled to a money settlement for any permanent disability or disfigurement that you have as a result of your work related

injury. Your treating physician will usually assign a percentage disability rating to you when you have completed your medical care and this percentage rating is inserted into a formula that determines a dollar amount of the settlement that you are entitled to. The doctors who assign this disability rating are generally conservative in the disability ratings that they assign and these initial ratings rarely reflect the true value of your case. An attorney at Eng & Woods Law Firm can provide you with a free consultation and provide you with an opinion regarding the value of your case. The attorneys at Eng & Woods are experienced in obtaining the maximum settlement or award possible to compensate you for the injury that you have sustained.

If you complete your medical care and, due to the severe nature of your injuries, you are unable to return to any employment, then the employer may be required to pay you a permanent total disability benefit which would be equal to the amount of the weekly temporary total disability payment for the remainder of your life. If your work related injury is the sole cause of this permanent total disability, then the employer/insurer would be responsible for paying this benefit to you. If your work related injury causes a permanent disability that combines with a pre-existing disability, which together, combine to prevent you from returning to any work, then the employer is obligated to pay for the actual injury they caused, by way of a permanent partial disability settlement and a separate entity called the Second Injury Fund will be responsible for paying that permanent total disability payment to you for the remainder of your life. If you have sustained a work related injury that, by itself or in combination with any pre-existing disabilities that you have, is preventing you from returning to work then one of our attorneys will be able to provide you with a free consultation regarding the benefits to which you are entitled.

If, as a result of your injury, you have sustained any scarring or disfigurement to your arms, hands, neck, face or head, then the employer/insurer is required to pay additional money to you to compensate you for any disfigurement that you may have.

MILEAGE:

If you are required to travel outside of the metropolitan area where your injury occurred, then the employer/insurer is required to pay you mileage for your trips back and forth to your treating physician.

SECOND INJURY FUND:

The Second Injury Fund was created after World War II as the veterans were returning home from the war. The purpose of this fund was to encourage employers to hire individuals who had pre-existing disabilities. The Second Injury Fund was previously discussed above regarding permanent total disability settlements. The Fund may also be obligated to make a payment to you if you have a disability that existed prior to your work injury and, if that pre-existing disability and the work injury meet a certain threshold. If you have been injured on the job, and you had an injury or disability prior to the work related injury, then you should consult with an Eng & Woods attorney to determine whether a claim should be filed against the Second Injury Fund.

WORKERS' COMPENSATION AND SOCIAL SECURITY DISABILITY:

Workers often apply for and receive Social Security Disability benefits after suffering a work related injury. If you are receiving those benefits and then receive a settlement of your workers' compensation claim, that settlement may reduce your monthly social security check. The attorneys at Eng & Woods are experienced in assisting individuals who are receiving Social Security Disability and we can structure any settlement that we obtain on your behalf, so that it will have the least effect possible on your social security disability benefits.

ATTORNEY'S FEES:

Most employees who have had a work related injury do not have the funds available to hire an attorney on an hourly basis to represent them on their workers' compensation claim. If we are able to assist you with your claim, then we will not charge you any fee to you as your case is proceeding, but rather, our fee will be a percentage of the benefits that we are able to obtain on your behalf. Often there may be thousands of dollars in expenses that are required in order to fight an insurance company that has either denied your claim or is unwilling to pay a reasonable amount in settlement of your case. Eng & Woods will pay those expenses as they are incurred and we will then reimburse ourselves for those costs out of the final settlement of your case.

Because our fee is contingent on our obtaining a recovery in your favor, if we are unable to obtain a recovery, then you will not owe any fee for our handling of your case. If you have received a written offer from the employer/insurer to settle your case, you may still contact one of our attorneys for a free consultation. If we believe that we can assist with your case, then we will only charge our contingency fee on any money that we are able to recover for you in excess of what you have already been offered. Our contingency fee is generally 25% of the benefits that we are able to obtain for you.

FREE CONSULTATION:

Eng & Woods always offers a free legal consultation, either in person or over the telephone. We do not have our secretaries and paralegals act as a filter for this contact. If you call, e-mail or set up an appointment, then you will be placed in direct contact with one of our attorneys who are best able to assist you with your claim.

If you have any questions regarding your workers' compensation case, then we encourage you to contact our law firm. The information that has been provided on this web page is intended to provide you with a general working knowledge of the Missouri Workers' Compensation Statute. Due to the complexity of that statute, and the fact that every workers' compensation case is different, this web page cannot constitute specific legal advice, as it is only intended for general informational purposes.

During a free consultation with an Eng & Woods attorney, we will be able to provide you with specific opinion and advice regarding your case. Please feel free to contact us by telephone at (573) 874-4190 or our toll free number of (877) 888-2345. You may also e-mail your questions

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