

The Benefits Available Under Missouri's Worker's Compensation System

Most workers injured on the job in Missouri are familiar with the idea that they are entitled to some benefits under the Worker's Compensation system. However, most workers do not know the details of those benefits and their employer often does little to inform them of their rights. On the whole, the Missouri Worker's Compensation system is very complex, and should not be navigated through without the assistance of a Worker's Compensation attorney.

Generally, there are three main benefits under the system. The first benefit is medical treatment. If an employee is injured at work, they are entitled to receive free medical care for that injury. However, the law gives the employer, and more practically their Workers' Compensation insurance carrier, the right to choose which doctor will provide the treatment. Sometimes, injured workers decide to go to their own doctor and submit payment to their private health insurance carrier. The problem that often results, however, is that virtually every policy of health insurance has an exclusion in which they will not pay for work related injuries. The injured worker does not find out about this until they have already racked up expensive medical bills. Thus, if you are hurt at work, you should notify your employer immediately and request that they provide you with a doctor.

The second benefit that injured workers are entitled to is payment for time off work. This is called Temporary Total Disability. In practice, the insurance company will not make payments for time off work unless their doctor writes that the employee is completely unable to work for a temporary time. Yet, Missouri's Workers' Compensation law states that the injured employee is not eligible for this payment until they miss more than three days of work.

The third main benefit under the system is a lump sum settlement called Permanent Partial Disability. This settlement is to compensate the employee for any remaining symptoms after they have been released from the doctor. Practically speaking, virtually every employee who has received more than several sessions of treatment with a doctor should be eligible for some amount of a settlement payment.

Many workers often question whether they should hire an attorney, and some elect to go without one. However, a recent study reported in Missouri Lawyers Weekly indicates that injured employees without attorneys received approximately 50% less than those who are represented. This disparity has increased even more over the past years due to a major change in the law in 2005. Before an unrepresented worker settled their case, it had to be approved by a worker's compensation judge. The judge was allowed to advise the injured employee. However, given the 2005 changes, the judge can no longer utter a word even if they realize the employee is getting a horrible deal.