



## 2020 ANNUAL REPORT

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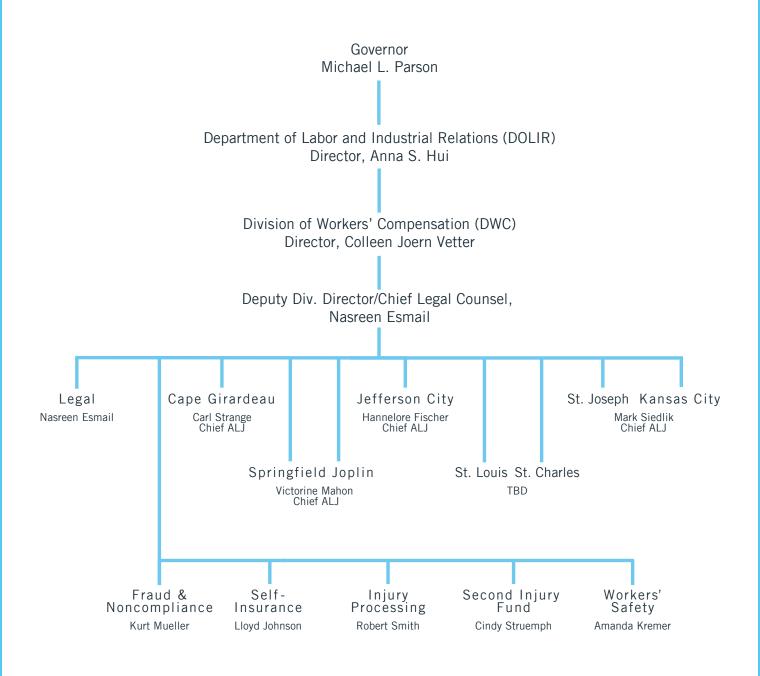
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## ORGANIZATIONAL CHART



\*Administrative Law Judge (ALJ)

## DIVISIONAL AND DEPARTMENTAL



Colleen Joern Vetter

*Director* Missouri Division of Workers' Compensation



Anna S. Hui

Director

Missouri Department of Labor and Industrial Relations

### **Letter from Director Vetter**

What a year 2020 was for all of us! At the Division of Workers' Compensation (DWC) we make sure injured workers get the benefits they are entitled to. While we are proud to demonstrate within this Annual Report that we continued to do so, we amazed even ourselves in carving a new path to get our work done and ensure our external stakeholders could continue to do theirs!

At the DWC we take in much information: first reports of alleged work injuries, claims for compensation, answers to those claims, reports of compensation benefits paid, copywork requests, applications for benefits from the Line of Duty and Tort Victims' Compensation Programs, applications for resolution of medical fee disputes, applications from employers requesting authority to self-insure their workers' compensation obligations, collection of surcharge payments to the Second Injury Fund, referrals for investigation of fraud and non-compliance, requests for early dispute resolution and information through the 800 line, and various other requests and correspondence.

When the pandemic began we realized we needed to provide our external stakeholders with alternate ways to submit information electronically, for our safety and theirs. Thus, beginning in March 2020, we expanded a few projects we already had in the works, local adjudication office docket-specific email addresses and the use of Box.com, to allow electronic submission of all documents and requests for settings that would have been sent through the mail or hand-carried to our offices for processing.\*

#### LETTER CONTINUED

The DWC also sends a significant amount of information out: awards and approved stipulations for compromise settlement allowing injured workers to be paid benefits they are due, signed subpoenas, date/time-stamped documents verifying legal filing, copies of records, administrative decisions with payment of benefits to families of first responders killed in the line of duty, proof of workers' compensation insurance coverage, referrals to the Attorney General's Office for prosecutions of those alleged to have engaged in fraud or who failed to properly insure their businesses on behalf of their workers, and marked exhibits to allow parties to litigate their disputed claims before DWC Administrative Law Judges.

The DWC created new methods to allow our business and legal communities to continue their operations with the DWC and encouraged our external stakeholders to find new ways to streamline their businesses. Together, over \$378,000,000 dollars were paid in compensation to support workers, their families, and our communities.

Finally, the DWC Modernization Program experienced efficiencies in time and effort as team members from DWC, the contracted modernization team, and OA-ITSD optimized our existing technology to meet virtually in order to create the Request For Proposal for our major system implementation which will be issued for public bidding in the very near future.

Our team members are committed to staying on the path to provide improved technological services and access to information to all of our customers. We could not have achieved our goals without the support and encouragement of State and Department Leadership and OA-ITSD.

The steps we anticipated taking in 2020 became leaps and bounds due to the global pandemic. We have learned what we are capable of and are ready for whatever 2021 has in store for us – I am fortunate to work with such a great team!

Colleenpern Vetter

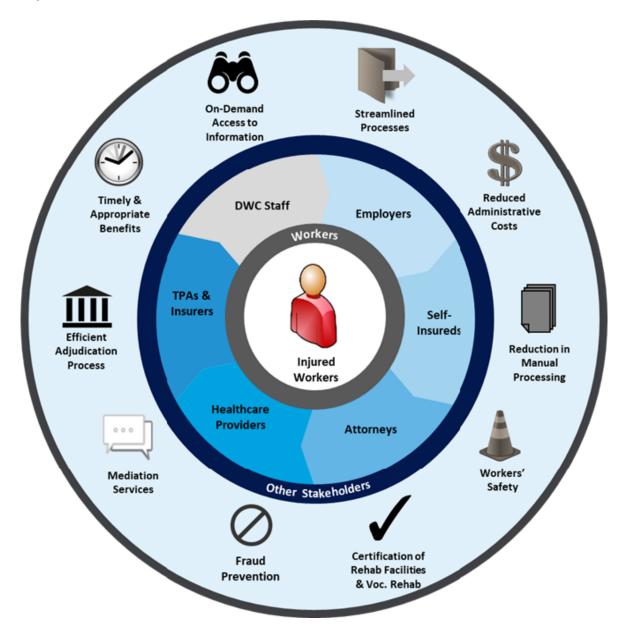
Colleen Joern Vetter Director



For further information relating to the Operational Update Announcements see our website at: <u>labor.mo.gov/coronavirus</u>

## MODERNIZATION PROJECT

The DWC is undertaking a project to modernize its business processes and replace the current legacy applications. The program will enhance the stakeholder experience by allowing electronic submissions and access to information, improve efficiency of operations for DWC staff, ensure consistency of process across all DWC offices and services, and leverage data to provide operational and stakeholder insights. The DWC is in the midst of its RFP (request for proposal) process and expects to issue an RFP for bid in the very near future.



The DWC continued its efforts to modernize its business processes to replace the current legacy system. The modernization project will provide a complete solution to build a future Workers' Compensation system, called Work Comp Connect, to integrate technology and business procedures so that the DWC's staff can achieve operational excellence and provide exceptional service to the injured workers and businesses in the State of Missouri.

With the majority of the team members working primarily remotely, the DWC went through an extensive process of capturing a comprehensive list of future system requirements and charted potential future workflow processes based on a modern computer system and process improvements to be realized from such a system. Extensive efforts were taken during 2020 to draft multiple RFPs in relation to Phase I of the Modernization Program, including the aforementioned RFP for the build of the Phase I portion of the new system and a RFP for Independent Verification and Validation (IV&V) services.

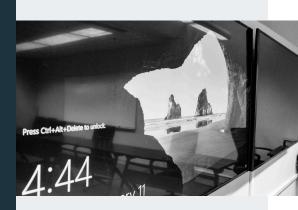
The DWC also contracted with a vendor and initiated a project to digitalize historical paper documents. This project will result in enhanced response times to copywork requests as well as increased efficiencies in DWC staff locating and accessing records. The digitalization of paper documents also serves as the backbone to several future Modernization Program projects that are reliant upon electronic access to the documents themselves, or electronic access to the information contained within the documents.

Additional Modernization Program efforts started in 2020 include: redesign of the website to support the modernized vision for the DWC, branding of the Work Comp Connect system, planning with respect to Organizational Change Management in order to ensure a smooth transition to the new system, and conducting stakeholder surveys in order to receive input from customers.

#### MODERNIZATION CONTINUED

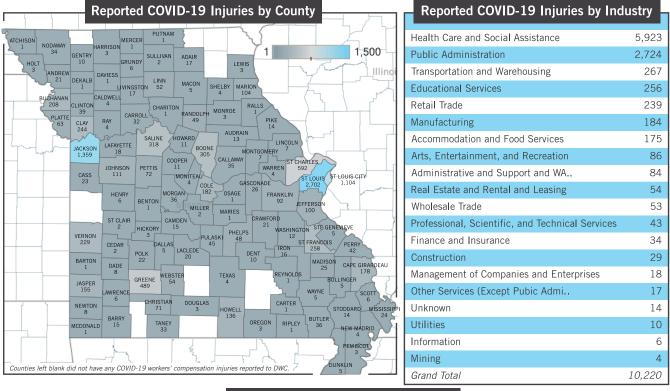


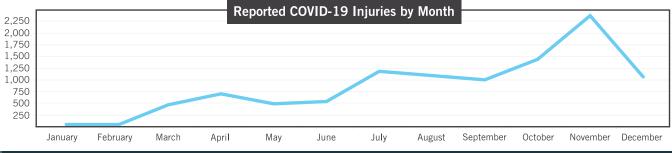




## COVID-19

COVID-19 created great challenges that provided the DWC with opportunities to acquire necessary equipment to transition from a primarily on-site workforce to a majority distributed workforce working remotely and continuing to provide service with only minor interruptions. Throughout the pandemic DWC staff continuously found ways to work more efficiently using currently available software and technologies. As a result, between March 1st and December 31st of 2020, the DWC processed 96,013 First Reports of Injury submissions, including First Reports of Injury for 10,173 COVID-19 injuries and fatalities, and processed 11,927 Claims for Compensation and amendments to Claims for Compensation, including Claims for Compensation for 188 COVID-19 injuries and fatalities. From March 1st to December 31st of 2020, the DWC's Administrative Law Judges issued 209 Awards and approved 14,518 Stipulation for Compromise Settlements totaling over \$316,200,214.83 in benefits to be paid to injured employees during the pandemic economic downturn.





### ASSESSMENTS AND EXPENDITURES

#### Workers' Compensation Administrative Fund Tax & Surcharge

As required by §287.690 and §287.716, the State of Missouri imposes a workers' compensation administrative tax on all workers' compensation insurance carriers and self-insured employers and an administrative surcharge on every workers' compensation deductible plan policyholder insured in Missouri. Section 287.690 authorizes the imposition of an administrative tax not to exceed two percent and §287.716 authorizes the imposition of an administrative surcharge at the same rate as the administrative tax. The revenue from the administrative tax and administrative surcharge is used to fund expenses associated with the administration of the Law. The Division Director determines the rates for the subsequent calendar year by October 31, using the formula set forth in §287.690.

CASH BALANCE of fund on January 1, 2020	\$23,133,772
Revenue:	
Tax & Surcharge Collections	\$16,493,781
Interest	\$219,234
Miscellaneous Receipts	\$323,748
Total Revenue	\$17,036,762
Expenditures:	
Administrative Costs	\$20,872,638
Total Expenditures	\$20,872,638
CASH BALANCE of fund on December 31, 2020	\$19,297,896

## **2020** WC ASSESSMENT RATE: 1% TAX & SURCHARGE

## ASSESSMENTS AND EXPENDITURES CONTINUED

#### Second Injury Fund Surcharge & Supplemental Surcharge

Section 287.715 provides for the collection of an annual surcharge not to exceed three percent from every authorized self-insurer and every workers' compensation policyholder insured in Missouri. To address the solvency issues facing the SIF, §287.715.6 authorizes the Division Director to collect a supplemental SIF surcharge not to exceed three percent for calendar years 2014 to 2021 of the policyholder's or self-insured's workers' compensation net deposits, net premiums or net assessments of the previous policy year.

BALANCE of fund on January 1, 2020	\$21,864,610
Revenue:	
Surcharge Collections	\$86,683,062
Interest	\$269,746
Miscellaneous Receipts	\$181,614
Total Revenue	\$87,134,422
Expenditures:	
Benefit Disbursements	\$72,187,991
Administrative Costs	\$5,193,814
Total Expenditures	\$77,381,805
BALANCE of fund on December 31, 2020	\$31,617,227

## 2020 SIF ASSESSMENT RATE 3% Surcharge & 2% Supplemental Surcharge

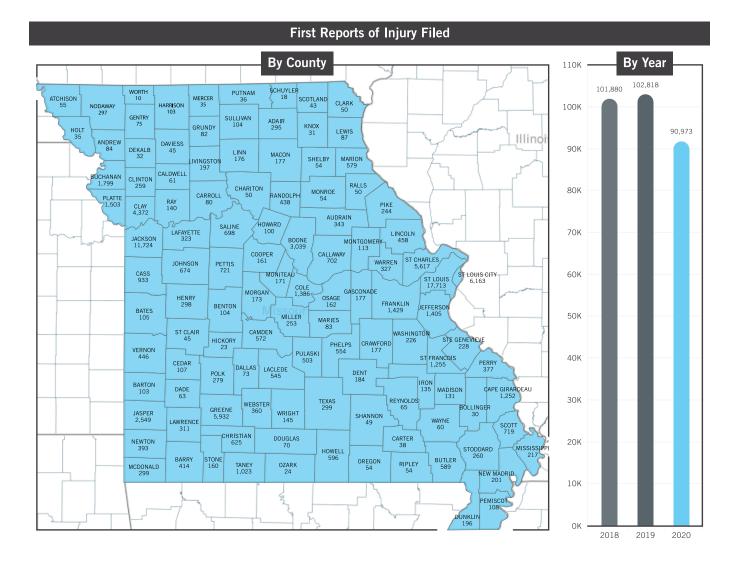
## workers' COMPENSATION

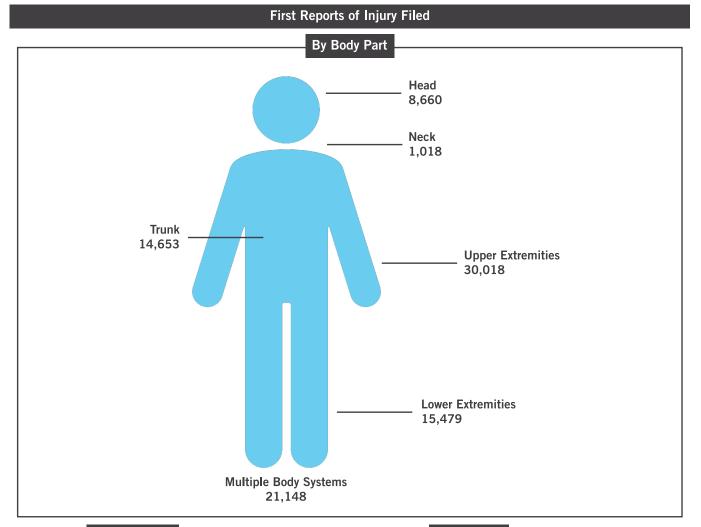
### **Injury Processing**

The Injury Processing Unit receives all filings made by the parties with the Division. This unit's functions include claims processing, case review, imaging and electronic data interchange (EDI) monitoring.

### First Reports of Injury (FROIs)

In 2020, 98% of FROIs were filed electronically (through EDI or the web).

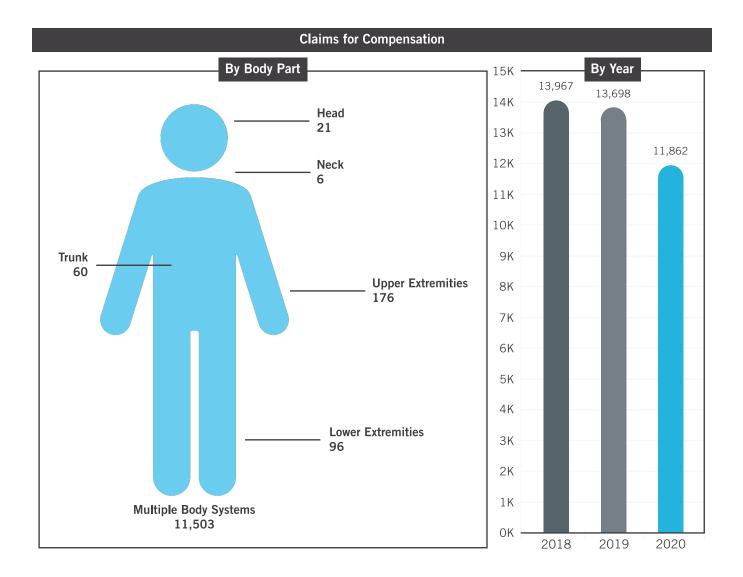




By Age Group		By Industry	
Age Group		Industry	
20-29	21,286	Health Care and Social Assistance	22,954
30-39	19,720	Manufacturing	12,174
50-59	18,178	Public Administration	10,580
40-49	17,268	Retail Trade	10,069
60-69	9,949	Transportation and Warehousing	5,519
16-19	3,039	Educational Services	4,317
70-79	1,337	Accommodation and Food Services	4,213
80-89	152	Construction	4,006
10-15	28	Administrative and Support and Waste Management and Remediation Services	3,184
UNKNOWN	13	Wholesale Trade	3,163
90-99	3		

#### **Claims for Compensation**

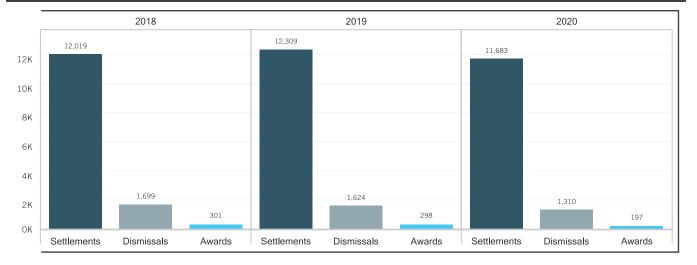
An employee may file a Claim for Compensation with the Division if they believe they are not receiving benefits they are entitled to under the Law. An employee may obtain legal representation to file a Claim for Compensation with the Division. The filing of a Claim initiates a contested case proceeding where the Administrative Law Judge (ALJ) has the authority to determine the issues in dispute. As of December 31, 2020, 24,169 Claims for Compensation were pending before the Division.



Claims may be resolved through the issuance of an award, a compromise settlement, or a dismissal. Case resolution time frames vary considerably for each resolution type, with cases proceeding to an evidentiary hearing before an ALJ and the issuance of an award taking longer to resolve than settlements and dismissals.

Claims for Compensation Top 10 by Industry	
Industry	
Manufacturing	2,019
Public Administration	1,437
Health Care and Social Assistance	1,413
Transportation and Warehousing	1,256
Retail Trade	1,014
Construction	809
Administrative and Support and Waste Management and Remediation Services	567
Educational Services	486
Wholesale Trade	476
Accommodation and Food Services	430

#### **Claims for Compensation Resolution**

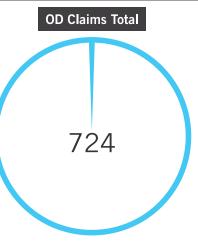


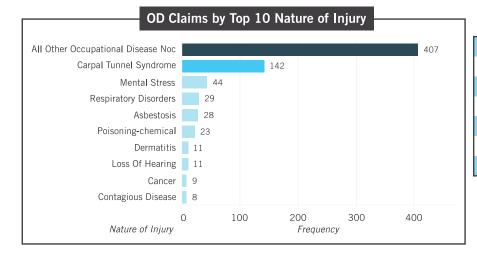
#### **Occupational Diseases**

Section 287.067.1 defines an occupational disease as an identifiable disease arising with or without human fault out of and in the course of employment. To be compensable under Chapter 287, the occupational exposure must be the prevailing factor in causing both the resulting medical condition and disability. In 2020, 724 claims were filed for occupational diseases.

**Occupational Diseases** 

OD Claims Top 10 by Industry	
Manufacturing	210
UNKNOWN	90
Public Administration	86
Health Care and Social Assistance	54
Construction	44
Retail Trade	38
Transportation and Warehousing	38
Wholesale Trade	24
Administrative and Support and Waste Management and Remediation Servi	ices 22
Educational Services	20





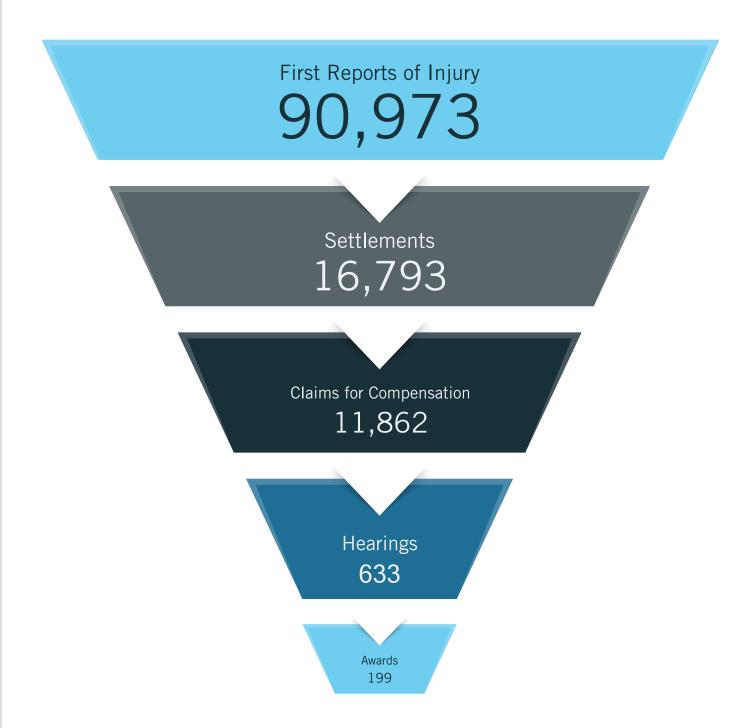
OD Due to	Toxic Exposure
as set forth	in §287.020(11)

Toxic OD	
Asbestosis	52
Mesothelioma	15
Silicosis	5
Bronchiolitis Obliterans	4
Coal Workers' Pneumoconiosis	1

# WORKERS'

### **Workers' Compensation Primary Injury Funnel**

Statistics portraying an injury's resolution through the workers' compensation process...

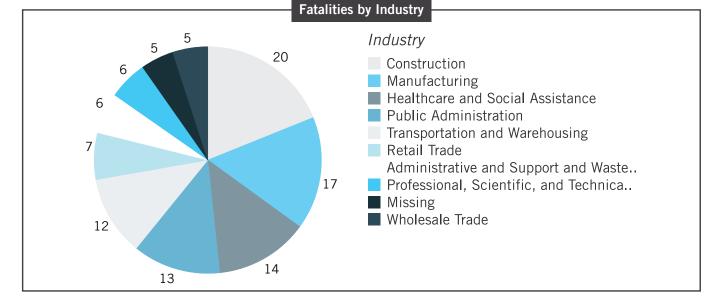


# WORKERS'

### **Fatalities**

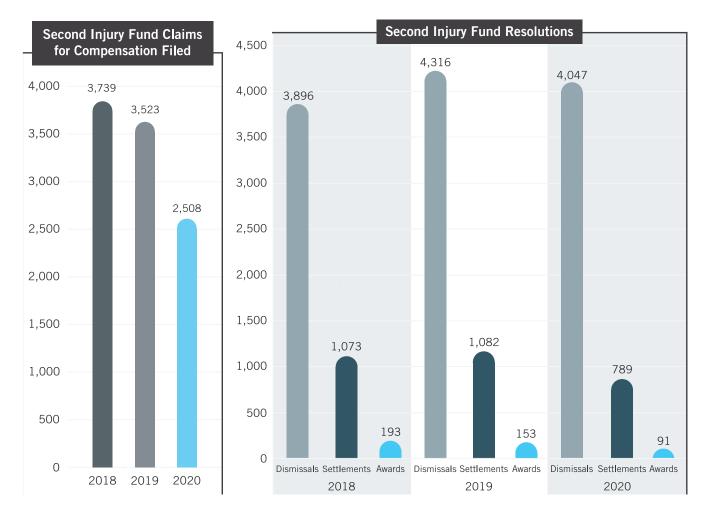
Fatalities may be reported to the Division through either a FROI or through the filing of a Claim for Compensation. The injury may or may not be determined to be a compensable injury that caused the death of the injured worker. An ALJ has jurisdiction to determine compensability of an injury resulting in death based upon evidence presented.

Fatalities by C	ause				Fatal	ities b	y Age	Group	-
Cause	Frequency	Percent	Fataliti	es			33		
Pandemic	19	16%	30				_		
Other-Miscellaneous	17	14%						24	
Missing	16	14%	20			20			
Motor Vehicle, Noc	12	10%	20		15				
MV Collision with another Vehicle	11	9%		14	15				
Absorption, Ingestion, Inhalation, Noc	6	5%	10						
Other than Physical Cause of Injury	5	4%							
Rollover of Vehicle	5	4%	0						
Gunshot	3	3%	- U	80-89	70-79	60-69	50-59	40-49	30-
Struck by Falling or Flying Object	3	3%					Group		

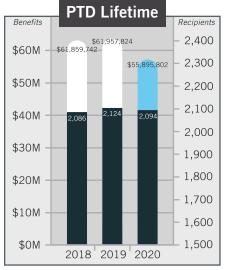


# SECOND INJURY

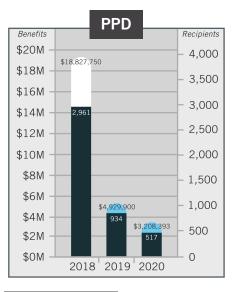
The Second Injury Fund (SIF) liability is set forth in §287.220, RSMo. When the SIF statute is applicable, the employer is liable only for the amount of disability caused by the employee's current or last injury, and the SIF is liable for the amount of the increase in disability caused by the synergistic effect of the two injuries. As a result, the SIF provides the employers with protection in hiring an employee who has a preexisting disability. For Claims filed for injuries after January 1, 2014 (or post-2014 injury), the employee has to prove that a qualifying preexisting disability, combined with the disability from the primary injury, results in permanent total disability. Claims for Compensation filed against the SIF are resolved by dismissal, settlement, or issuance of an award. All awards issued by ALJs are issued after a hearing and may determine whether the claimant is eligible for SIF benefits under the statute or is not eligible for SIF benefits based on the evidence presented at the hearing. All awards are subject to appeal as provided by law. As of January 1, 2021, there were 15,295 open SIF claims pending before the Division.

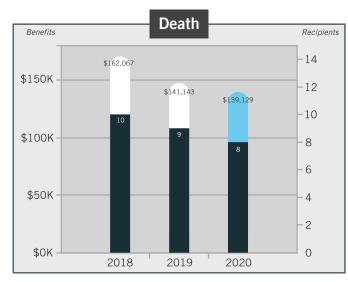


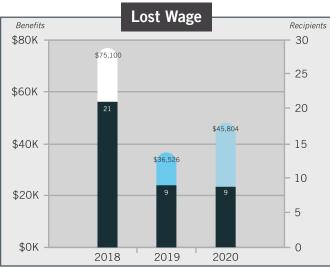
## SECOND INJURY FUND CONTINUED

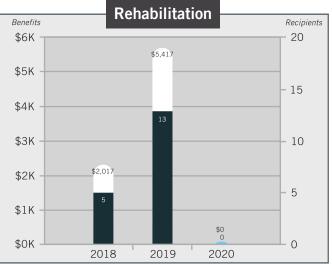


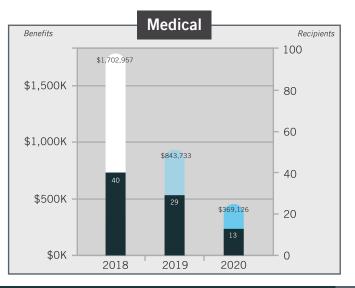






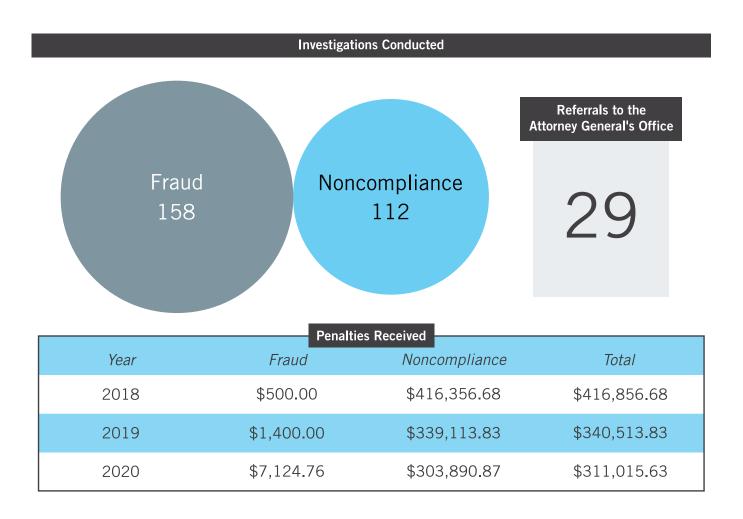






## FRAUD AND NONCOMPLIANCE

The Fraud and Noncompliance Unit (F&N) investigates allegations of workers' compensation fraud and noncompliance perpetrated by a person or entity. The Unit also investigates misclassification of employees. Section 287.128 prohibits certain conduct in connection with the workers' compensation process.



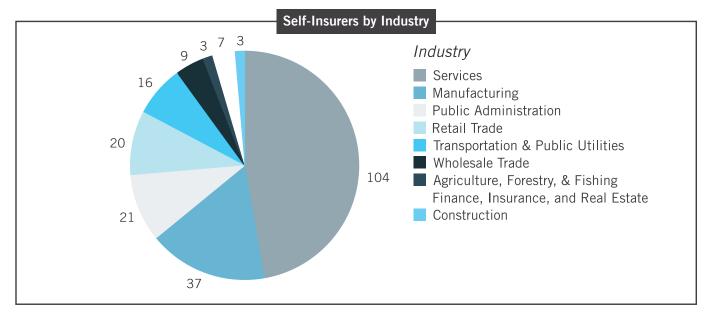
Report Fraud/Noncompliance or Request a Presentation: 1-800-592-6003 | FraudandNoncompliance@labor.mo.gov

# SELF-

The Division's Self-Insurance Unit is responsible for authorizing and regulating all self-insured employers in Missouri. The Self-Insurance Unit oversees roughly 30% of the workers' compensation insurance market (based on premium) as many employers take advantage of the option to self-insure their obligations. The Unit must ensure that all self-insured employers comply with chapter 287, RSMo, and follow the regulation 8 CSR 50-3.010. The Unit's primary functions consist of evaluating applications to self-insure submitted by employers, providing oversight and assistance to current self-insured entities, ensuring that annual reports are timely submitted to the Division, evaluating security posted, conducting audits to examine management practices for compliance with statutory requirements and the Division's established guidelines, and performing safety audits.

Self-Insurance Counts	
Individual Self-Insurers	219
Group Trusts	20
Individual Member Employers in Group Trust	2,601
Covered SI Employees*	717,997
Covered SI Payroll*	\$31,100,859,477

\*Numbers provided are based on counts as of January 1 of the indicated year.



## LEGAL UNIT

The Legal Unit provides legal advice and assistance to the Division Director and the Division Units. The Unit oversees the Religious Exception Program, Medical Fee Dispute Program, Tort Victims' Compensation Fund, Line of Duty Compensation Fund, Proof of Coverage, Customer Service Unit and the Dispute Management Program. The Unit received approximately 373 requests for assistance through the Division's website from various stakeholders and customers. The Unit responded to approximately 26 constituent requests and 31 requests for Proof of Coverage Workers' Compensation Insurance Coverage, which is supplemental to the search that can be conducted on the portal on whether an employer has purchased workers' compensation insurance coverage.



Learn more at: <a href="mailto:labor.mo.gov/DWC/Division\_Units#legal">labor.mo.gov/DWC/Division\_Units#legal</a>

#### **Religious Exception**

The Religious Exception Program receives, reviews, and responds to all questions related to granting workers' compensation exceptions to employers and employees who are members of a recognized religious sect or division (as defined by federal law) who are conscientiously opposed to acceptance of benefits of any public or private insurance in various contexts. In 2020, the Unit received 92 applications for religious exception in which 82 employees working for 10 different employers qualified for a religious exception.

#### **Dispute Management**

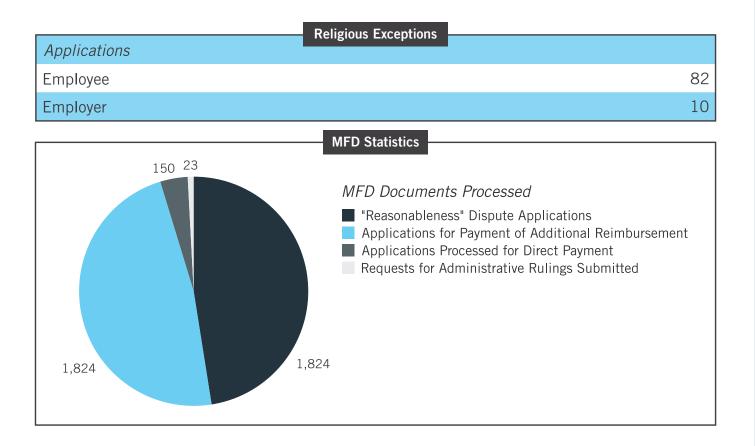
The Dispute Management Unit (DMU) program offers voluntary early intervention services to mediate disputes that arise between the parties after a workplace injury occurs and before a Claim for Compensation is filed.

This process is designed to benefit all parties by allowing an exchange of information and records to resolve issues without incurring litigation costs. Agreements that are reached between the parties remain confidential. Because DMU is voluntary, when mediation is rejected or fails, the party originally requesting mediation services is advised that further adjudication steps are available including filing of a Claim and determination by an Administrative Law Judge (ALJ). Once a written claim is filed, DMU is no longer available to either party as the case has become a contested proceeding.

## LEGAL UNIT CONTINUED

### **Medical Fee Dispute**

The Medical Fee Dispute Program allows health care providers to file an application for reimbursement of disputed and outstanding charges and fees relating to treatment and services provided to injured employees. In 2020, the Unit processed 150 applications for direct payment and 1,824 applications for payment of additional reimbursement. The Medical Fee Dispute Program received 1,824 applications for "reasonableness" disputes under \$1,000 in 2020. Requests for an Administrative Ruling were submitted in 23 cases.



## LEGAL UNIT CONTINUED

#### **Customer Service**

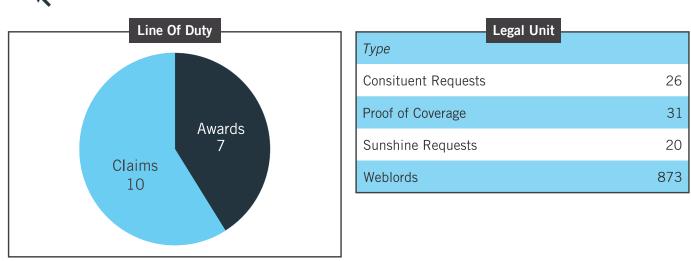
The Division is required to maintain a public information program that provides assistance to all parties including injured workers, employers, insurers, and lawyers. The Unit has four Customer Service Representatives who respond to calls received on the toll-free line. The Division's Representatives responded to a total of 24,300 calls in 2020.

## Customer Service Calls Received 24,300

#### Line of Duty Compensation Fund

The Line of Duty Compensation Act (Act) provides for benefits, separate and apart from workers' compensation death benefits, paid from the Line of Duty Compensation Fund (Fund) to the survivors of certain individuals who are killed in the line of duty.

These individuals include air ambulance pilots, air ambulance registered professional nurses, emergency medical technicians, firefighters, law enforcement officers, and volunteer firefighters. Effective August 28, 2018, the Missouri Legislature expanded the class of individuals who are entitled to line of duty benefits.



#### Learn more at: <a href="mailto:labor.mo.gov/DWC/Injured\_Workers/benefits\_available#BensAvail4">labor.mo.gov/DWC/Injured\_Workers/benefits\_available#BensAvail4</a>

## LEGAL UNIT CONTINUED

### **Tort Victims' Compensation Fund**

The Missouri Tort Victims' Compensation Fund (Fund) helps to compensate people who have been injured due to the negligence or recklessness of another person called tortfeasor. It could include a motor vehicle collision or a hunting accident, or who have been unable to obtain full compensation because the party at fault had no insurance, inadequate insurance, has filed for bankruptcy, or for other reasons specified in the law.

#### **Claims filed during the 2018 Annual Claims Period**

There were 44 claims filed during the 2018 annual claims period and awards were issued in 32 claims. The aggregated total of the awarded amounts in the 32 claims was \$6,815,000.00. However, \$2,998,600.00 was paid out on a pro-rata basis. Therefore, each claimant received .44 cents for each dollar awarded.

### **Claims filed during the 2019 Annual Claims Period**

There were 89 claims filed during the 2019 annual claims period and awards were issued in 61 claims. The aggregated total of the awarded amounts in the 61 claims was \$10,674,000.00. However, \$4,696,560.00 was paid out on a pro-rata basis. Therefore, each claimant received .44 cents for each dollar awarded.

### **Claims filed during the 2020 Annual Claims Period**

There were 85 claims filed during the 2020 annual claims period. Claims are pending and under review at this time.



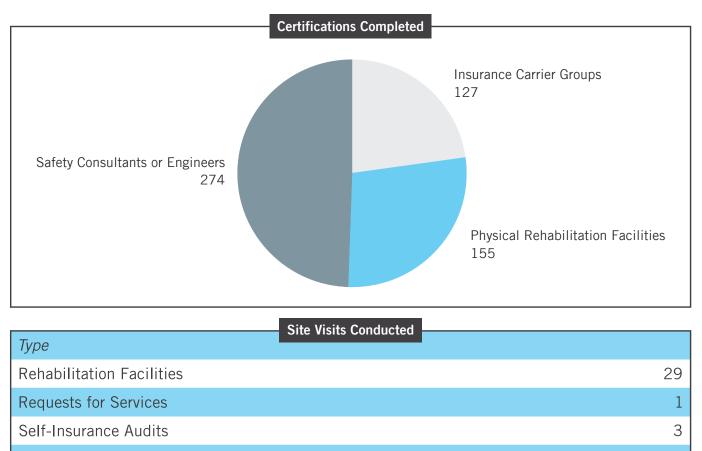
Learn more at: <a href="mailto:labor.mo.gov/DWC/Tort\_Victims">labor.mo.gov/DWC/Tort\_Victims</a>

## MISSOURI WORKERS' SAFETY PROGRAM (MWSP)

The Missouri Workers' Safety Program was created to help employers improve workplace safety and reduce workers' compensation insurance costs. The Missouri Workers' Safety program offers FREE safety and health services to Missouri businesses. MWSP can answer safety and health questions, survey facilities to help identify hazards and safety violations, review or provide written safety programs, assist in accident investigations, or help develop safety training programs. Workers' Safety also works to ensure that Missouri businesses have access to individualized safety and health resources through their workers' compensation insurance carrier and also maintains a list of certified safety consultants and engineers who can offer independent services.



Learn more at: labor.mo.gov/safe-at-work



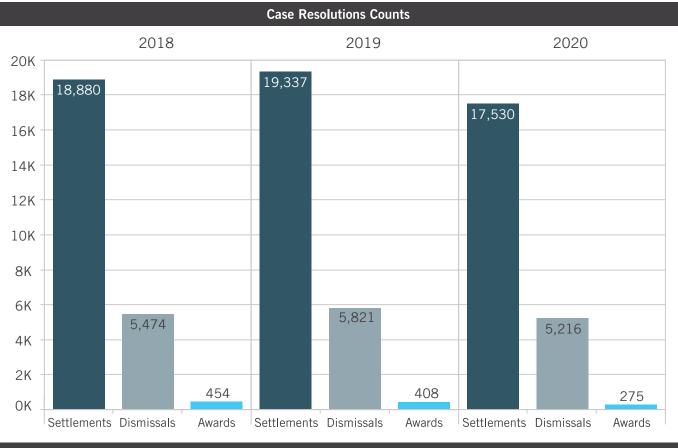
33

Grand Total

## ADJUDICATION

The Division's statutory responsibility to adjudicate and resolve disputes under the law is fulfilled by the eight adjudication offices throughout the state of Missouri. The ALJs, court reporters, docket clerks, and assistants provide services to the parties in the case who appear at the scheduled docket settings in each respective office. The Division offers various docket settings, such as voluntary settlement conference, prehearing, mediation, §287.203 hearing (to contest termination of compensation), hardship hearing, hearing upon final award, and notice to show cause or dismissal settings.

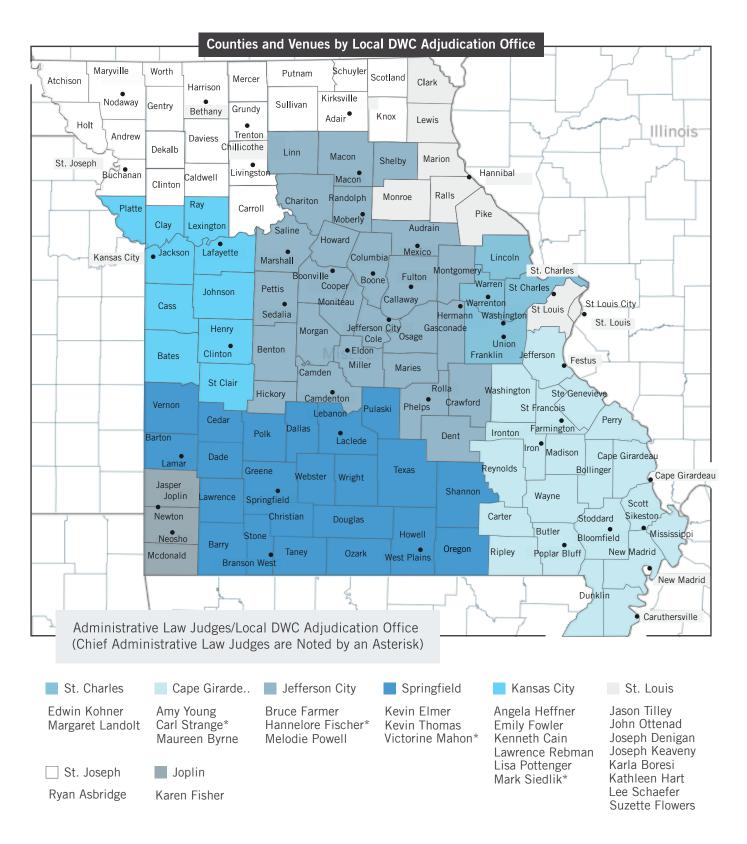
#### Kearn more at: <u>https://labor.mo.gov/DWC/Division\_Units#docket</u>



#### 2020 Case Resolution Amounts

### \$378,444,996

## ADJUDICATION CONTINUED



## ADJUDICATION CONTINUED

			Docke	et Settings			
Local Office	Conferences	Dismissals	Mediations	Prehearings	Hardship Hearings	Final Hearings	Totals
Cape Girardeau	u 480	50	924	1,334	10	22	2,820
Jefferson City	764	90	579	2,354	16	55	3,858
Joplin	279	44	201	1,288	2	14	1,828
Kansas City	833	1,050	1,967	287	75	292	4,504
Springfield	734	90	938	1,483	25	48	3,318
St. Charles	375	99	827	3,408	3	20	4,732
St. Joseph	175	11	116	311	2	4	619
St. Louis	1,231	1,255	3,539	10,359	7	120	16,511
Grand Total	4,871	2,689	9,091	20,824	140	575	38,190

## MISSOURI DWC CONTACTS

Missouri Division of Workers' Compensation Central Office P.O. Box 58 Jefferson City, MO 65102-0058 573-751-4231 Internet Home Page: www.labor.mo.gov/dwc Toll Free Information Line: (800) 775-2667

Dispute Management Unit P.O. Box 58 Jefferson City, MO 65102-0058 573-526-4951

Fraud and Noncompliance Unit P.O. Box 58 Jefferson City, MO 65102-0058 800-592-6003

Self-Insurance Unit P.O. Box 58 Jefferson City, MO 65102-0058 573-526-3692

Medical Fee Dispute P.O. Box 58 Jefferson City, MO 65102-0058 573-526-5610 or 573-522-2546 Missouri Workers' Safety Program P.O. Box 58 Jefferson City, MO 65102-0058 573-526-4945 Second Injury Fund and Rehabilitation P.O. Box 58 Jefferson City, MO 65102-0058 573-526-3505

Religious Exception and Proof of Coverage P.O. Box 58 Jefferson City, MO 65102-0058 573-522-2546 or 573-526-4941

Missouri Department of Commerce and Insurance (DCI) Property and Casualty Section P.O. Box 690 Jefferson City, MO 65102-0690 573-751-3365 or 800-726-7390 Internet Home Page: www.insurance.mo.gov

National Council on Compensation Insurance (NCCI) 901 Peninsula Corporate Circle Boca Raton, FL 33487-1362 Customer Service: 800-622-4123 Internet Home Page: www.ncci.com

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