

**Title 8—DEPARTMENT OF  
LABOR AND INDUSTRIAL RELATIONS  
Division 20—Labor and Industrial  
Relations Commission  
Chapter 3—Rules Relating to Division of Workers' Compensation**

**PROPOSED AMENDMENT**

**8 CSR 20-3.060 Policy of the Commission.** The Labor and Industrial Relations Commission (LIRC) is amending section (1); amending sub-section (B) of section (2); amending section (3); amending section (4); and amending sub-sections (C), (E), (F), and (G) of section (4).

*PURPOSE: This amendment updates the LIRC's policy in connection with continuances, clarifies language with regard to attorney fees where multiple attorneys may have worked on a case, and removes outdated language relating to compromise settlements that does not reflect the statutory requirements or modern practice.*

(1) Continuance. Continuances or further hearings are not favored by the commission. The parties are expected to submit all matters in controversy for decision at a single hearing *[before the commission]*. The parties cannot agree to a continuance of any case set for hearing *[before the commission]* without the consent of the *[commission]* **division of workers' compensation, consistent with the division's rules and procedures.** The purpose of the Workers' Compensation Law is to give a speedy determination of the rights of the employee.

(2) Attorney Fees.

(B) The limitation as to fees shall apply to the combined charges of attorneys who *[knowingly]* combine their efforts towards the enforcement or collection of any compensation claim.

(3) Compromise Settlements. All agreements or contracts for settlement that provide for the payment of less than the full amount of compensation due or to become due, and which undertake to release the employer from all further liability, will be approved by the commission only where it appears that a reasonable doubt exists as to liability and as to the rights of parties, *[and that approval would be for the best interest of the parties. All compromise and contracts for settlement must conform strictly to]* **and where the terms of the agreement are consistent with** the requirements of section 287.390, RSMo.

(4) Every compromise agreement or contract for settlement, *[in addition to the requirements of section 287.390, RSMo, shall]* **submitted to the commission should** be accompanied by—

(C) The latest medical **records or** reports in the possession of the parties bearing on the case;

(E) A separate statement signed by the employee, or dependents in death cases, in which the employee would state under oath that s/he understands that by agreeing to the settlement that *[s/he is forever closing out this present claim under the Missouri Workers' Compensation Law; that s/he will receive no further compensation or medical aid by reason of this accident; that]* s/he understands that s/he has a right to prosecute his/her claim before the commission to a final determination; and that the award of the commission might allow him/her more or less money than is provided by the proposed settlement and that s/he requests the commission to approve the settlement;

(F) *[Inclusion in the stipulation or agreement of]* **An identification of** the amount of compensation previously paid, weekly rate of compensation and the amount of medical aid that has been provided *[and it may include the following statement: "It is agreed by all parties hereto that the filing of its document is the filing of an application for adjustment of claim on behalf of*

*the employee, and that the commission, in its discretion, may set the matter for hearing as a regular application, reserving to the parties the right to put in issue any of the facts admitted herein; and that if hearing is held with this document used as an application, the employer-insurer shall have available to them all defenses that were available as of date of filing of this document; and that the commission may thereafter either approve the compromise agreement and settlement or disapprove same and issue findings and award after review of the evidence has been made and the matter regularly submitted for decision"]; and*

*(G) [A signature of the stipulation or contract by the employee, or dependent in death cases, by his/her attorney or the representative of the claimant, if any, together with a statement over their signatures as to the agreement between them as to the attorney fee they request the commission to allow the attorney for the employee and be signed by a minor claimant, the minor claimant's parents or legal guardian and be signed by the employer-insurer or their attorney.]*

**Signatures by the parties and their attorneys, or, in the case of a minor claimant, signature(s) from the minor's parent(s) or legal guardian(s), together with a statement as to the agreed-upon attorney fee, if any, that is requested in favor of the attorney for the employee, claimant, or dependent.**

*AUTHORITY: section 286.060, RSMo [1986] Supp. 2018. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed April 11, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: Robert Cornejo, Chairman, PO Box 599, Jefferson City, MO 65102-0599. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*