

will accept an Application for Review from an employer and/or insurer if: 1) In the temporary award the administrative law judge ordered the employer and/or insurer to provide compensation to claimant; and 2) The employer and/or insurer deny owing any compensation for the claim.

### **Can a Settlement be Appealed?**

**PLEASE NOTE:** Generally, once an administrative law judge approves a stipulation for compromise settlement in your workers' compensation case, neither the DWC nor the LIRC has the authority to take further action on the claim. The workers' compensation law provides one exception to the general rule. If there is a clerical error in your settlement, the judge has twenty days from the date of the settlement to correct the clerical error only. The judge is unable to change the settlement amount that has been agreed to by the parties once it has been approved. The LIRC has no authority to hear appeals from administrative law judge orders approving settlements. If you have any questions relating to the settlement agreement or the stipulation for compromise lump sum settlement that was approved

in your case, or believe it was based upon a mistake or obtained by fraud, etc. you should consult an attorney.

### **Other Issues: Consult With An Attorney.**

Appeals of workers' compensation cases are complex legal matters that require legal expertise. If you have any questions about the issues discussed above, you should consult with an attorney. If you are unable to locate an attorney who practices workers' compensation law, you may wish to contact the Missouri Bar Lawyer Referral Service at 573-636-3635, the St. Louis Metropolitan Bar Lawyer Referral Service at 314-621-6681, or the Springfield Metropolitan Bar at 417-831-2783. Attorneys who regularly practice workers' compensation law generally offer free initial consultations.

### **Contact Information**

Application for review must be directed to the LIRC office at the following address:

**Labor and Industrial Relations Commission**  
P.O. Box 599  
Jefferson City, MO 65102-0599  
Phone: 573-751-2461  
Website: [www.labor.mo.gov/LIRC](http://www.labor.mo.gov/LIRC)

Additional information on awards and appeal rights may be directed to the LIRC address above or the following address:

**Missouri Division of Workers' Compensation**  
P.O. Box 58  
Jefferson City, MO 65102  
Phone: 800-775-2667  
Website: [www.labor.mo.gov/DWC](http://www.labor.mo.gov/DWC)

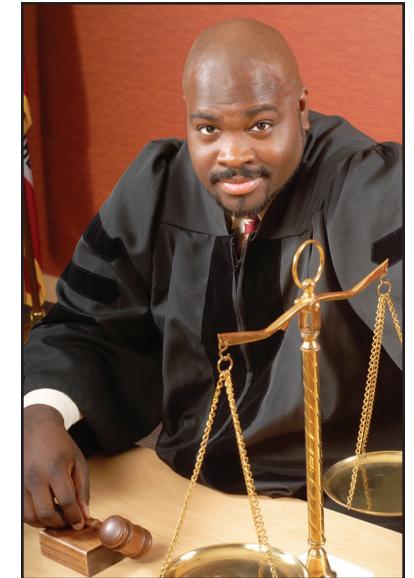
*Missouri Division of Workers' Compensation is an equal opportunity employer/program.  
Auxiliary aids and services are available upon request to individuals with disabilities.*

**Missouri TTY User: 800-735-2966  
or 711 for Relay Missouri.**

**MISSOURI  
DEPARTMENT OF LABOR  
& INDUSTRIAL RELATIONS**

# **Appeal Rights and Procedures**

*In Workers' Compensation*



## Hearings

An evidentiary hearing before an Administrative Law Judge is a legal proceeding, like a trial. After the hearing, the administrative law judge reviews the testimony and briefs submitted by the parties to the case and issues a written award. Either party in the case may appeal the written decision issued by the administrative law judge to the Labor and Industrial Relations Commission (LIRC). A corporation or other party who is not a natural person (e.g. limited liability company) must be represented by an attorney licensed in the state of Missouri at all proceedings before the Division of Workers' Compensation (DWC) and the LIRC.

## Type of Awards

There are three types of awards that can be made in a workers' compensation case.

- **Award on Hearing:** This is the final determination by an administrative law judge after a hearing.
- **Temporary or Partial Award:** This type of award is made by an administrative law judge after a hearing in cases where the claimant is not receiving medical treatment or lost wage benefits. In these situations, the

temporary or partial award is made before issues such as the extent of permanent disability are addressed by the judge. The case is kept open until such time as a final award on permanent disability and additional medical needs are made.

- **Award on Agreed Statement of Facts:** Such an award may be issued without an evidentiary hearing in cases where the parties are in complete agreement on the facts of the case, and the only issues to be decided by the administrative law judge are issues of law. The parties must submit, in writing, a complete Agreed Statement of Facts. The administrative law judge may allow or require the parties to submit briefs or proposed awards. The award issued pursuant to an Agreed Statement of Facts may be either a final Award or a Temporary or Partial Award.

## Appeals of Final Awards

The LIRC is composed of three commissioners. The LIRC serves as a higher authority appeal board and reviews appeals from administrative law judge awards, including orders of dismissal. Any party to the case that is aggrieved by the written award issued by

an administrative law judge may file an application for review with the LIRC. The application for review must be filed with the LIRC within 20 days from the date of the award. The applicant may use MOIC-2567 Application for Review, but is not required to use this form. Written application must contain information identifying the award that the party wishes the LIRC to review and must include the reasons for making the application for a review; that is, the application must identify the administrative law judge rulings the applicant believes are wrong and explain why the rulings are wrong. An application for review must be signed by the applicant and/or the applicant's attorney. Corporations and other parties who are not natural persons may only file an application through an attorney licensed to practice law in the state of Missouri. The LIRC will ask the DWC to make a complete transcript of the trial proceedings. The LIRC may allow the parties to file legal briefs and may hear oral arguments. The LIRC reviews the administrative law judge's award, the transcript, and the briefs, if any, before making its decision. If the LIRC agrees with the administrative law judge's award, it may adopt the judge's award as its own. If the LIRC disagrees with the administrative law judge's

decision, in whole or in part, the LIRC will issue a new award.

A **second appeal** may be requested by any party to a case that is not satisfied with a final award issued by the LIRC. This is done by filing a Form 8-C, Notice of Appeal with the LIRC within 30 days from the date of the final award of the LIRC. The LIRC will then forward the form to the Missouri Court of Appeals. A check for the docket fee of \$70.00 should be made payable to clerk of the appropriate appellate court and should accompany the Notice of Appeal.

There is a possibility of a **third appeal** of the appellate court's decision to the Missouri Supreme Court. This is rare, and only happens if the Supreme Court accepts transfer of the case, which it may do because of importance of an issue in the case or because the decision conflicts with another decision of the Missouri Court of Appeals.

## Appeals of Temporary Awards

Generally, the LIRC will not accept Applications for Review from temporary or partial awards. The LIRC rules provide one exception to the general rule. The LIRC