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MISSOURI WORKERS' COMPENSATION CASE LAW UPDATE

April 2026 – June 2026

Claim Denied as Claimant's Fall While Cleaning Coffee Off Shoe Using Sink Counter Not in Course and Scope of Employment

Markovic v. Watlow Electric Manufacturing, Injury No. 22-023333

FACTS: Before a meeting, the Claimant went to the breakfast area to get coffee and spilled coffee on her shoe. She believed this was problematic due to the strong smell of coffee and would be disrespectful to others, which made her uncomfortable. Therefore, she went to the bathroom and attempted to clean the top portion of her shoe and while doing so, she brought her foot up to the sink counter, lost her balance, and fell, striking her left shoulder on the floor. She was taken to Mercy South and Dr. Fisher performed an ORIF of the distal radius and then a carpal tunnel release. The employer denied the case, alleging the injury did not arise out of and in the course and scope of the employment, and the Judge agreed, finding that falling while placing a foot on a vanity to clean a coffee-stained shoe was unrelated to employment and equally present in non-employment life, making the injury non-compensable. The Judge compared it to *Johme*, where the claimant fell in an office kitchen after making a cup of coffee. In that instance, the claimant was injured while turning and twisting her ankle. In that case, the Court held that she was equally exposed to the cause of her injury turning and twisting her ankle or falling off her shoe while in her workplace making coffee than she would have been when she was outside of her workplace in her normal non-employment life.

The Judge went on to note that there was no evidence to refute the proposition that the claimant could encounter a spill, odor, or dim lighting at home or in a public restroom and chose to clean a shoe in a similar manner, facing the same risk of losing her balance.

The Judge went on to note that the claimant's act of placing her foot on a bathroom vanity to clean her shoe after spilling coffee on it is a risk which she was equally exposed to in her normal non-employment life and therefore the injury was not compensable. The claimant appealed and the Commission confirmed.

Claimant Entitled to TTD as Termination Due to Violation of Attendance Policy Not Misconduct

Salazar v. Unilever USA, Injury Number 24-097376

FACTS: The claimant sustained an injury to his right ankle on December 13, 2024. The claimant did have preexisting diabetes and obtained a note from his doctor recommending that the claimant be given one to three days off at a time to allow him rest, which he presented to the Employer and he was given an accommodation of allowing one to three days a month as excused absences. The claimant testified that the employer took away his accommodation on February 13, 2025 and did not tell him why, but the HR manager testified that he had exceeded his allotted days off in January. The HR manager testified that on February 3, 2025, she received a new accommodation form from the claimant's doctor, who recommended three days or more of leave per month if needed and after review, the employer's legal team determined that this accommodation was no longer reasonable because the prior accommodation had been abused and the current accommodation was too vague. The employer provided a new accommodation allowing for breaks and the claimant accepted the same.

The claimant's supervisor testified that he had not heard from the claimant about his injury since three days after the injury until March 4, 2025. The injury was reported to the insurance company and treatment was authorized with Dr. Kuhlmann. The doctor's restrictions were accommodated and the claimant was offered an office job, but he noted the light duty work seemed petty and was retaliatory and he insisted he was not trained for office work. The claimant also alleged his medication made him unable to drive and the employer provided transportation. The claimant was terminated on March 27, 2025 after he incurred ten points in violation of the attendance policy. His supervisor testified extensively about his disciplinary issues and process for termination. He was ultimately terminated for attendance problems, but he had other disciplinary write-ups for conduct or behavior issues. The claimant's attorney obtained a report of Dr. Zimmerman, who believed the claimant needed additional treatment. Dr. Patel testified on the employer's behalf and he did not believe the claimant needed any additional treatment and placed him at MMI. At the Hardship Hearing the claimant demanded back pay for wrongful termination, referral to a specialist and TTD benefits until he is released from treatment.

The Judge determined that the claimant was not entitled to additional treatment, as she found Dr. Patel's opinion more persuasive. The employer alleged that the claimant was terminated for post-injury misconduct and the Judge did not agree. The Judge noted that the termination letter provided to the claimant outlined ten attendance points the claimant accrued; seven of those were related to attendance violations prior to the date of injury and noted that the one unexcused absence after his work injury did not equate to post-injury misconduct. The Judge did believe the claimant was entitled to TTD, from the date he was terminated through the date he was placed at MMI. The Judge also assessed 5% PPD.

The claimant appealed, alleging that the Hardship Hearing was to obtain TTD and medical treatment and did not put PPD as an issue. It was noted on the record at the Hearing that the employer was requesting a Final Award in the event that the Judge did not believe the claimant

was entitled to additional medical treatment and therefore PPD was an issue. However, the Commission noted the ALJ lacked authority to resolve the issue of PPD because that issue was not raised in the employee's Application for Hardship Hearing and the employee's attorney did not agree to PPD as a disputed issue at the Gearing. The Commission vacated the ALJ's findings on the issue of PPD and remanded the case to the Division to allow both the claimant and the employer to produce evidence on all issues in dispute and to issue a Final Award.

LDC (Line of Duty Compensation) Claim Not Timely Filed

Williams v. City of Kansas City, Missouri Fire Department, Case No. WD88291 (Mo. App. 2026)

FACTS: The employee, who is deceased, served as a firefighter for 38 years. Due to his exposure to carcinogens, he developed metastatic neuroendocrine carcinoma and multiple myeloma. He passed away on February 23, 2018. The employee's widow, herein "claimant", filed her LDC claim on September 25, 2023. The LDC benefit provides a cash benefit to certain public safety officers including firefighters who are killed in the line of duty. The Division denied the claim as it was not timely filed as per the statute it has to be filed within one year from the date of death. The claimant appealed and requested a hearing before an ALJ and the ALJ confirmed the denial. The claimant appealed to the Commission, who affirmed the decision of the ALJ.

The claimant had also filed a workers' compensation claim and the case went to a hearing and the ALJ issued an Award of Benefits. It was after receiving the workers' compensation Award that the claimant filed the LDC claim. The claimant appealed the Commission's denial.

HOLDING: The Claimant essentially argued that the time limit to file an LDC claim is somehow on hold until the work comp case is resolved, and the Court was not persuaded. The Court determined that the LDC and workers' compensation claims are two separate proceedings and two separate matters. Therefore, the LDC claim was not timely filed and the Commission's decision was affirmed.