

SUPREME COURT OF MISSOURI

Strait v. Treasurer of Missouri

257 S.W.3d 600 (Mo. banc 2008) · No. SC 89078 · Decided July 15, 2008

SUMMARY

The Missouri Supreme Court held that the Labor and Industrial Relations Commission had authority to substitute the deceased employee’s dependent children as recipients of permanent total disability benefits. Because the employee died while the award remained pending on timely appeal, the court applied Schoemehl v. Treasurer of the State of Missouri and remanded for benefits to be paid to the children from the date of their mother’s death.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Michael A. Wolff; Richard B. Teitelman; William Ray Price, Jr.; Limbaugh, Jr.; Laura Denvir Stith; Ronald L. Russell; Patricia Breckenridge
JURISDICTION	Missouri
DECIDED	July 15, 2008
DOCKET	SC 89078
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the Labor and Industrial Relations Commission's dismissal for lack of jurisdiction of a motion seeking to amend a permanent total disability award to substitute the deceased employee's dependent children as benefit recipients; transferred to the Supreme Court of Missouri before opinion.
STANDARD OF REVIEW	The court reviewed the Commission's jurisdictional ruling and interpretation of the workers' compensation statutes de novo.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; binding precedent in Missouri unless superseded or overruled.
PARTIES	Michael Strait, natural father and legal guardian of Joshua Neal Strait and Mick Tyler Strait v. Treasurer of Missouri as Custodian of Second Injury Fund

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Labor and Industrial Relations Commission had authority to amend a permanent total disability award and substitute the deceased employee's dependent children as claimants when the employee died during the period in which the award remained pending on appeal.
2. Whether *Schoemehl v. Treasurer of the State of Missouri* applied to a workers' compensation claim that was pending when *Schoemehl* was decided.

HOLDINGS

1. When an employee receiving permanent total disability benefits dies from causes unrelated to the work injury while the claim remains pending because a timely appeal has been filed, the employee's right to compensation survives to the employee's dependents under *Schoemehl*, and the Commission may amend the award to substitute the dependents as recipients.
2. A judicial decision interpreting the workers' compensation statutes applies prospectively to actions pending on the date the decision issued; because Strait's claim was pending when *Schoemehl* was decided, *Schoemehl* applied.

KEY QUOTATIONS

“the right to compensation for the permanent total disability of an injured employee, who has died from causes unrelated to the work-related injury, survives to the dependents of that injured employee.” (602)

“The final award of the commission shall be conclusive and binding unless either party to the dispute shall, within thirty days from the date of the final award, appeal the award to the appellate court.” (602)

“Because Strait's case was still pending on the date the Schoemehl decision issued, Schoemehl applies to Strait's case, and the commission must follow it.” (603)

FACTUAL BACKGROUND

Rosalyn Strait suffered a work-related injury in August 2002 and received a Commission award of permanent total disability benefits on January 12, 2007. She died from unrelated injuries on January 27, 2007, while the award was still subject to appeal, leaving dependent minor children. The Treasurer appealed within the statutory thirty-day period, and the court of appeals later substituted Michael Strait on behalf of the children and affirmed the award.

PROCEDURAL HISTORY

The Labor and Industrial Relations Commission awarded Rosalyn Strait permanent total disability benefits. She died from unrelated injuries during the thirty-day period in which the award remained subject to appeal. The

court of appeals substituted Michael Strait on behalf of the dependent children and affirmed the award. After the amended mandate issued, the Commission dismissed Strait's motion to substitute the children as recipients for lack of jurisdiction. The Supreme Court of Missouri granted transfer, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commission was directed to grant permanent total disability benefits to the minor dependent children as of the date of Rosalyn Strait's death.

CASES CITED

- Schoemehl v. Treasurer of the State of Missouri, 217 S.W.3d 900 (Mo. banc 2007)
- Strait v. Integram St. Louis Seating, 236 S.W.3d 121 (Mo. App. 2007)
- Russell v. Russell, 210 S.W.3d 191, 194 (Mo. 2007)
- Jane Doe I v. Phillips, 194 S.W.3d 833, 850 (Mo. banc 2006)
- Squaw Creek Drainage District v. Turney, 235 Mo. 80, 138 S.W. 12, 16 (Mo. 1911)
- Korte v. Fry-Wagner Moving & Storage Co., 922 S.W.2d 395, 398 (Mo. App. 1996)
- Buescher v. Missouri Highway & Transportation Commission, 254 S.W.3d 105, 108 (Mo. App. 2008)
- Falk v. Barry, Inc., 158 S.W.3d 327, 329 (Mo. App. 2005)
- S.A.V. v. K.G.V., 708 S.W.2d 651, 653 (Mo. 1986)

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