

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JANICE E. SPURGEON,

Appellant,

v.

**MISSOURI CONSOLIDATED HEALTH CARE PLAN, BOARD OF TRUSTEES, and
JUDITH MUCK, EXECUTIVE DIRECTOR, MISSOURI CONSOLIDATED HEALTH
CARE PLAN,**

Respondent.

DOCKET NUMBER WD78785

Date: February 16, 2016

Appeal from:
Cole County Circuit Court
The Honorable Jon E. Beetem, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Gary D.
Witt, Judges

Attorneys:
Joseph M. Page, Jefferson City, MO for appellant.
Charles W. Hatfield and Kristine A. Heisinger, Jefferson City, MO for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

JANICE E. SPURGEON

Appellant,

v.

**MISSOURI CONSOLIDATED HEALTH CARE PLAN, BOARD OF TRUSTEES,
and JUDITH MUCK, EXECUTIVE DIRECTOR, MISSOURI CONSOLIDATED
HEALTH CARE PLAN,**

Respondent.

WD78785

Cole County

Before Division One: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Gary D. Witt, Judges

Janice Spurgeon ("Spurgeon") appeals the dismissal of her request for judicial review of the Missouri Consolidated Health Care Plan's ("MCHCP") decision to deny her application for survivor enrollment. The circuit court dismissed her petition for failure to state a claim upon which relief could be granted. Spurgeon contends the court erred in dismissing her petition because she met all of the statutory requirements for enrollment in MCHCP's medical plan.

REVERSED AND REMANDED.

Division One holds: The circuit court erred in dismissing Spurgeon's petition because the petition stated a claim for judicial review of a non-contested case under Section 536.150, RSMo 2000. The facts alleged in Spurgeon's petition were sufficient to support her claim that she had a legal right to enroll in MCHCP's plan under Section 103.085, RSMo Cum. Supp. 2013, and Section 103.098, RSMo 2000, and, therefore,

MCHCP's decision to deny her enrollment application was unlawful. The cause is reversed and remanded for further proceedings.

Opinion by: Lisa White Hardwick, Judge

February 16, 2016

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.