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COMPLETE TITLE OF CASE

TROY L. GREIG,

Respondent,

v.

JONATHAN McCALEB,

Appellant.

DOCKET NUMBER WD84430

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: December 28, 2021

APPEAL FROM

The Labor and Industrial Relations Commission

JUDGES

Division Two: Pfeiffer, P.J., and Witt and Gabbert, Judges CONCURRING.

ATTORNEYS

Andrew C. Schendel, Kansas City, MO, Attorneys for Respondent.

Karen S. Rosenberg and Sanford P. Krigel, Kansas City, MO, Attorneys for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TROY L. GREIG, Respondent,
v.
JONATHAN McCALEB, Appellant.

WD84430 **Labor and Industrial Relations Commission**

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, and Gary D. Witt and Anthony Rex Gabbert, Judges

In this appeal, the employer in a workers' compensation case appeals the Labor and Industrial Relations Commission's order rejecting the employer's application for review of a final award for failure of the employer—found to be uninsured by the Administrative Law Judge—to file the requisite bond. For similar reasons, we dismiss the employer's appeal.

APPEAL DISMISSED.

Division Two holds:

1. Section 287.480.2, RSMo, is clear and mandatory: An application for review must be accompanied by a bond where an employer is determined to be subject to the Workers' Compensation Act and uninsured. The Commission, and this Court, are otherwise without jurisdiction to review the merits of an employer's application for review.

2. The Commission's order rejecting Employer's application for review adopted the findings of the Administrative Law Judge that Employer was subject to the Workers' Compensation Act and uninsured. And, in so doing, the Commission returned Employer's application for review to Employer as not filed due to Employer's failure to accompany his application for review with the requisite bond.

Employer concedes that he did not file a bond with his application for review and still has not filed a bond as required by section 287.480.2. Because Employer is an uninsured employer subject to the Workers' Compensation Act, and Employer's appeal to this Court was not accompanied by the requisite bond, we dismiss this appeal as not filed in accordance with section 287.480.2.

Opinion by: Mark D. Pfeiffer, Presiding Judge December 28, 2021

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