Missouri Court of Appeals
Southern District

In Division

ELLIS WOODRUM, Appellant, v. MISSOURI DEPARTMENT OF SOCIAL SERVICES, Respondent.	No. SD38940 **Filed: November 26, 2025**

APPEAL FROM THE CIRCUIT COURT OF LAWRENCE COUNTY

Honorable David A. Cole, Judge

AFFIRMED

In a lawsuit against his former employer, Ellis Woodrum claimed the Missouri Department of Social Services retaliated against him by constructively terminating his employment soon after he began seeking workers' compensation benefits for a work-related injury. The circuit court granted summary judgment in favor of Social Services on the ground that Woodrum's retaliation claim is barred by sovereign immunity. Woodrum appeals, contending that the applicable provisions of the Workers' Compensation Law expressly waive sovereign immunity for retaliation claims involving the State. This

contention is without merit because, as Social Services accurately notes, the State has expressed an affirmative intent to preserve its sovereign immunity by way of a separate and controlling statutory provision. Accordingly, we deny Woodrum's point and affirm the circuit court's judgment.

Legal Background and Principles of Review

At the heart of this appeal are two statutes—sections 287.780 and 105.850—that, like all the other statutes cited in this opinion, can be found in RSMo 2016, as supplemented through Woodrum's employment termination date of November 14, 2022. Woodrum brought his retaliation claim against Social Services pursuant to the former statute, which is found within chapter 287, otherwise known as the Workers' Compensation Law. The relevant part of that statute, section 287.780, provides as follows:

> No employer or agent shall discharge or discriminate against any employee for exercising any of his or her rights under this chapter when the exercising of such rights is the motivating factor in the discharge or discrimination. Any employee who has been discharged or discriminated against in such manner shall have a civil action for damages against his or her employer.

The other statute is found within chapter 105, which specifically pertains to workers' compensation in the context of state employees. *See* sections 105.800 and 105.810 (defining "state employee" and stating that the provisions of chapter 287 "are extended to include all state employees"). In successfully moving for summary judgment on the basis of sovereign immunity, Social Services specifically relied on section 105.850, which provides, in its entirety, that "Nothing in sections 105.800 to 105.850

shall ever be construed as acknowledging or creating any liability in tort or as incurring other obligations or duties except only the duty and obligation of complying with the provisions of chapter 287."

Having set out the statutes at issue, we note that the review of a summary judgment is *de novo*. ***Poke v. Independence Sch. Dist.***, 647 S.W.3d 18, 20 (Mo. banc 2022). "Additionally, the existence of sovereign immunity and questions of statutory interpretation are issues of law, which this court reviews *de novo*." ***Id.*** (citation modified).

In his principle brief, Woodrum relies almost entirely on the holding of ***Poke***, *supra*. Specifically, in that case, our high court noted that "the legislature (1) created a private right of action that can be brought against any employer who retaliates against an employee for exercising his or her workers' compensation rights, section 287.780 and (2) specifically included governmental entities in the Workers' Compensation Law's definition of 'employer,' section 287.030." ***Poke***, 647 S.W.3d at 22; *see also* section 287.030 (listing the "state" as one of those governmental entities). Our high court concluded that those statutes, considered together, "reflect an express showing of legislative intent to waive the school district's sovereign immunity for Poke's workers' compensation retaliation claim." ***Poke***, 647 S.W.3d at 22; *see also* ***Bachtel v. Miller Cnty. Nursing Home Dist.***, 110 S.W.3d 799, 804 (Mo. banc 2003) ("While the most common way to express that intent may be to specifically state that sovereign immunity is waived, the legislature also expresses its intent through other language.").

Following the aforementioned holding, our high court included a footnote stating

to the extent two prior cases, ***Krasney v. Curators of Univ. of Mo.***, 765 S.W.2d 646, 650 (Mo.App. 1989), and ***King v. Probate Div., Cir. Ct. of Cnty. of St. Louis, 21st Jud. Cir.***, 958 S.W.2d 92, 93 (Mo.App. 1997), "hold sections 287.780 and 287.030 are insufficient to establish express legislative intent to waive sovereign immunity, they are overruled." ***Poke***, 647 S.W.3d at 22 n.4 (*citing* ***Wyman v. Mo. Dep't of Mental Health***, 376 S.W.3d 16, 21 (Mo.App. 2012), for noting that these holdings were questionable in light of ***Bachtel***). Critically, the footnote then addressed section 105.850 with the following paragraph:

> Additionally, the parties and prior appellate cases devoted significant time analyzing the potential impact of section 105.850 on the waiver of sovereign immunity under section 287.780. Section 105.850 provides: "Nothing in sections 105.800 to 105.850 shall ever be construed as acknowledging or creating any liability in tort or as incurring other obligations or duties except only the duty and obligation of complying with the provisions of chapter 287." However, section 105.850 is not applicable here because section 105.850 addresses only state civil liability and the school district is not the state. *See* ***S.M.H. v. Schmitt***, 618 S.W.3d 531, 534 (Mo. banc 2021) ("Public school districts in Missouri are regularly considered political subdivisions—not agencies of the state."); *see also* ***Krasney***, 765 S.W.2d at 650 (involving the board of a state university); ***King***, 958 S.W.2d at 93 (involving a state court); ***Wyman***, 376 S.W.3d at 21-22 (involving a state agency); ***Wille v. Curators of Univ. of Mo.***, 627 S.W.3d 56, 63-65 (Mo. App. 2021) (involving the board of a state university). Moreover, ***Poke*** neither attempted to bring his action pursuant to sections 105.800 to 105.850 nor argued those sections are the source of the school district's waiver of sovereign immunity. This Court will consider the impact, if any, of section 105.850 on section 287.780's waiver of state sovereign immunity should an appropriate case arise.

Poke, 647 S.W.3d at 22 n.4 (citation modified) (bold added).

Analysis

Here, we are faced with the situation alluded to by the aforementioned footnote in

the ***Poke*** opinion. Woodrum filed his retaliation claim under section 287.780 against Social Services. Unlike the school district in ***Poke***, Social Services *is* a state agency. Social Services then successfully sought summary judgment on the basis of sovereign immunity under section 105.850. This fact pattern and the parties' arguments are focused on whether section 105.850 impacts section 287.780's waiver of state sovereign immunity.[1]

As observed in the same footnote, however, previous appellate court cases have already addressed this issue. While our high court in ***Poke*** overruled two of those cases—***Krasney*** and ***King***—it did so *only to the extent* that those cases held sections 287.780 and 287.030 are insufficient to establish express legislative intent to waive sovereign immunity. ***Poke***, 647 S.W.3d at 22 n.4. As early as 2012, however, the western district of this Court in ***Wyman*** already recognized that this aspect of the holdings of those two cases were questionable in light of ***Bachtel*** but further recognized that ***Bachtel*** did not

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[1] While the procedural posture of this case is focused only on the interplay between the aforementioned statutes, we would be remiss by failing to note that this case may also implicate section 207.080, which provides:

> The extension of chapter 287 to include employees of the department of social services shall not be construed as acknowledging or creating any liability in tort, or as incurring other obligations or duties except only the duty and obligation of complying with the provisions of chapter 287 so long as the department may elect to remain under the provisions of chapter 287.

Cf. ***Wyman***, 376 S.W.3d at 20 n.5 (noting a similar statute specifically applicable to the Missouri Department of Mental Health). Similar to ***Wyman***, however, we perceive no reason to read section 207.080 differently than section 105.850 and, therefore, the former statute would not impact on the outcome of this appeal.

affect other aspects of the ***Krasney*** and ***King*** analyses, namely their interpretation and application of section 105.850. *See* ***Wyman***, 376 S.W.3d at 21-22. ***Krasney*** held that section 105.850 operates as "an express legislative disclaimer" preventing section 287.780 from waiving state sovereign immunity. ***Krasney***, 765 S.W.2d at 650. ***King***, likewise, rejected an argument that the last portion of section 105.850—stating, "except only the duty and obligation of complying with the provisions of chapter 287"—should be construed to mean the State maintains sovereign immunity in all areas except those covered by the Workers' Compensation Law. ***King***, 958 S.W.2d at 93. Applying the last antecedent rule, the ***King*** court interpreted the statutory language at issue to mean that "the state has the duty and obligation to comply with the provisions of Chapter 287, but has not waived tort liability in connection therewith." ***Id.***; *see also* ***Wyman***, 376 S.W.3d at 21 n.7 (stating that the "last antecedent rule" instructs that "relative and qualifying words, phrases, or clauses are to be applied to the words or phrase immediately preceding and are not to be construed as extending to or including others more remote" (citation modified)). Based upon these previous interpretations, the western district in ***Wyman*** observed that section 105.850 expresses "an *affirmative intent to preserve* the State's sovereign immunity." ***Wyman***, 376 S.W.3d at 22. Such a reading is not based on the view that the statute "failed to adequately express an *intent to waive* immunity" and, therefore, the statutory interpretation principles espoused in ***Bachtel*** do not apply here. ***Id.***

In 2021, the year prior to the ***Poke*** opinion, the eastern district of this Court decided ***Wille*** where it reaffirmed the results reached in ***Krasney***, ***King***, and ***Wyman***. *See* ***Wille***, 627 S.W.3d at 62-65. In refusing to readdress this same sovereign-immunity issue,

the eastern district noted that they were bound by *stare decisis* to adhere to the aforementioned legal principles on the matter. ***Id.*** at 64. Recognizing that the provisions of sections 287.780 and 105.850 may conflict in some manner, the eastern district further held that any such conflict is reconcilable as follows:

> Section 287.780 and section 105.850 can be harmonized. Chapter 287 details the rights and obligations of *all* employees and employers under the Workers' Compensation Law. Section 287.780 provides employees may bring civil actions for damages against their employers for the tort of retaliatory discharge. However, sections 105.800 to 105.850 address the applicability of chapter 287 to *state* employees and employers. Section 105.850 has been construed by this Court and the Western District as preserving the State's sovereign immunity against tort claims, including the tort of retaliatory discharge based on section 287.780. ***Krasney***, 765 S.W.2d at 650; ***King***, 958 S.W.2d at 93; ***Wyman***, 376 S.W.3d at 20-22. Section 105.850 is more specific than section 287.780. Therefore, to the extent the statutes conflict, section 105.850 controls over section 287.780.

Wille, 627 S.W.3d at 65 (bold added).

Woodrum offers no argument asserting that section 287.780 should control over section 105.850 that has not already been considered and rejected by ***Krasney***, ***King***, ***Wyman***, or ***Wille***. As has already been astutely observed, we are bound by *stare decisis* to such prior precedent. The ***Poke*** opinion does not address section 105.850's impact on section 287.790 and, therefore, Woodrum's reliance on said opinion is misplaced. Point denied.

Decision

The circuit court's judgment is affirmed.

BECKY J. WEST, J. – OPINION AUTHOR
JENNIFER R. GROWCOCK, C.J. – Concurs
MATTHEW P. HAMNER, J. – Concurs