



In the Missouri Court of Appeals  
Southern District

DIVISION ONE

ROGER WORLEY,	)	No. SD29088
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Greene County
vs.	)	
	)	Honorable Charles David Darnold
RONALD HOFFMAN, et al.,	)	
	)	
Respondents.	)	FILED: May 27, 2009

Before Roy L. Richter, P.J., Charles D. Curless, J., and Gary D. Witt, J.

Roger E. Worley ("Worley") appeals the trial court's judgment denying him duty-related disability. We dismiss Worley's appeal for failure to comply with Missouri Supreme Court Rule 84.04.

**I. BACKGROUND**

Worley worked as a police officer for the City of Springfield. After working for the police department for 10 years, Worley filed a claim for duty-related disability benefits with the Board of Trustees of the Springfield Police and Fire Retirement System ("Board of Trustees"). The Board of Trustees denied his claim for duty-related disability benefits and awarded him only non-duty related benefits. Worley appealed this decision before an Administrative Hearing Examiner for the City of Springfield ("the Examiner"). The Examiner found that Worley's disability was a direct result of his work as a police

officer. However the Board of Trustees rejected this determination, and again denied Worley duty related disability benefits. Worley appeals.

## II. DISCUSSION

Worley argues that the trial court erred in denying him duty-related disability benefits. However, Worley's brief falls short of the requirements of Rule 84.04 and therefore we dismiss his appeal.

In every case, we must determine our jurisdiction sua sponte. Ward v. United Eng'g Co., 249 S.W.3d 285, 287 (Mo. App. E.D. 2008). A party's failure to substantially comply with Rule 84.04 preserves nothing for appellate review and is insufficient to invoke our jurisdiction. Id. "Compliance with Rule 84.04 briefing requirements is mandatory in order to ensure that appellate courts do not become advocates by speculating on facts and on arguments that have not been made." Id. (quoting Bridges v. Am. Family Mut. Ins. Co., 146 S.W.3d 456, 458 (Mo. App. S.D. 2004)). Failure to comply with the rules of appellate procedure is a proper basis for dismissing an appeal. Steltenpohl v. Steltenpohl, No. WD 68486, 2008 WL 2491787, at \*1 (Mo. App. W.D. June 24, 2008).

Missouri Supreme Court Rule 84.04(c) requires an appellate brief to contain a "fair and concise statement of the facts relevant to the questions presented for determination without argument." Worley's statement of facts is insufficient to meet this requirement. First, there is argument interspersed throughout the statement of facts. The most obvious example of this occurs midway through in the section labeled, "The Legal Standard for 'Duty Related,'" where Worley argues the applicable standard of review in the statement of facts. Next, the statement of facts as a whole is 20 pages long and jumps

from point to point, giving little guidance to the reader as to the connection between those points. Finally, at one point in the statement of facts, Worley presents lengthy, bullet-pointed summaries of the depositions of the various doctors used as experts in the case. None of this meets the “fair and concise” standard for the statement of facts required by Rule 84.04(c).

Further, the references to the legal file are best described as confusing.<sup>1</sup> “All statement of fact and argument shall have specific page references to the legal file or transcript.” Mo. Sup. Ct. R. 84.04(i). The unclear, multi-numbered format of the references required the Court to search the legal file just to find support for many of Worley’s factual contentions.

### **III. CONCLUSION**

Because of his substantial failure to comply with Rule 84.04, Worley’s brief preserves nothing for our review. The appeal is dismissed.

PER CURIAM

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Attorney for Respondents – Paul F. Sherman, Springfield, MO

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<sup>1</sup> Worley admits to the confusing nature of the references in his Reply Brief and asks for the forgiveness and patience of the court.