



Missouri Cuts Five Administrative Law Judges from Department

By Christine Cristiano

On June 18th, it was announced that five administrative law judges would see job cuts in Missouri. The five law judges presided over workers compensation cases. Out of the five lay-offs, four of the job cuts were seniority-based and one position will not be filled following the retirement of one judge. Two of the judges are from Jefferson City, one in St. Louis and the other in Cape Girardeau.



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Former Republican Governor Matt Blunt had appointed all of the five judges and Henry Herschel, former

general counsel to Blunt, will be one of judges to be cut.

According to Amy Susan, a spokeswoman with the labor department, "the cuts are a cost-saving move. This was solely a budget deal. Information was provided to the legislature, they reviewed it and passed it, and now we're implementing a budget which calls for five fewer administrative law judges." The job cuts will take effect on July 1st.

However, the announcement of the lay offs has raised concerns over the legality of the job cuts because a law judge's position is created in state statute and "not subject to termination by a department head or the governor. The law creating the judgeships includes a mechanism for removing judges based on poor job performance, but is silent as to whether they can be terminated for any other reason."

According to retired Cape Girardeau administrative law judge, Jack H. Knowlan Jr, "that silence leaves uncertain whether a governor or his appointee has the authority to remove a judge."

Knowlan Jr. admits that "it's an interesting legal question, and I don't know the answer to it. I wouldn't be surprised if it's challenged by the judges who were terminated."

According to the department, it considers that judges "are not among those defined in the constitution and can be terminated for reasons other than the result of their performance evaluations."

The terminated judges have the least seniority because they were most recently hired by the state. Currently, the administrative law judges are paid an annual salary of \$98,000 and preside over 900 - 1000 cases per year and there are 40 judges in eight offices throughout the state employed by the department.

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