

TESTIMONY ON SB 38 ON BEHALF OF CHRIS JACOBSON

My name is Keith Mark, and I'm here on behalf of my client, Chris Jacobson. Chris authored this testimony, and as some of you will recall from last year, it is extremely difficult for Chris to speak. He was present here last year, but because it takes over 2 hours for Chris to get up, cleaned up, dressed, fed and transported to a suitable vehicle for his wheelchair, he simply was not able to be here at this early hour. I'm honored to tell you his story:

My name is Chris Jacobson. Thank you for giving me the opportunity to tell my story. Back in 2014, I was employed by Darling International. I was a truck driver. It was a normal morning on August 13, 2014 when I left for work. I kissed my wife, Melinda, and my son, Damien, goodbye and went to work. Unfortunately, there was nothing normal about that day. In fact, on August 13, 2014, my life and my family's life was shattered forever.

During the workday on August 13, 2014, I was involved in a rollover truck accident. I broke my neck and suffered many more injuries. I haven't been able to use my arms or legs since that day. I also have internal organ problems. I have a catheter. I went from being the sole breadwinner for my family to not being able to take care of myself.

I worked out of Kansas and with the help of my attorney, I started receiving Kansas workers' compensation benefits. Although my average weekly wage at the time of my accident was agreed to be \$1,063.48, I was only paid \$594.00 per week. Although this was barely one-half of my weekly salary, my attorney told me that what I was receiving was the maximum amount allowed by Kansas law, even if it wasn't fair or adequate.

I went through a lot of treatment, and my medical bills were over \$3 million. Then, it came time for me to be compensated for my permanent injuries. The judge told me what I already knew – I was permanently and totally disabled from ever working again. On March 22, 2018, the judge awarded me the

maximum amount of money Kansas allows for individuals like myself who are permanently and totally disabled for the rest of their lives – a grand total of \$155,000.00. As I had been getting that whopping \$594.00 per week since my accident, they subtracted that money from my award. I had been completely disabled for over 3 1/2 years at that point, so they subtracted \$111,000.00 from the \$155,000.00 I was awarded, leaving me with an additional \$45,000.00 for the rest of my life. At the \$594.00 per week figure, that money ran out in August of 2019. Yet, here I sit still chained to this chair. I still can't work. I still can't hug my wife or son. I can't even get my own drink of water or shoo a fly off my nose. Sadly, I'm not even capable of reading this out loud to you because of my lack of lung capacity. Both lawyers and the judge told me that \$155,000.00 was all I was entitled to in this case. They told me it was legislators like you who decided there should be a cap on lifetime disability benefits and that \$155,000.00 was a fair number. Hearing my story, I hope you will rethink the fairness of such a devastating cap.

Fortunately for me, my lawyer proved I was entitled to Missouri workers' compensation benefits. After that, I started receiving \$709.00 per week. The extra money per week was awesome, but the real blessing was that Missouri workers' compensation does not cap permanent total disability benefits. This meant I was paid all the way back to 2019 when my Kansas benefits stopped, and I'm still getting a check every week and will get that check until I die. It's not what I was making and it doesn't take into consideration the raises I would've gotten, but it is a far sight better than the absolutely nothing I would have received since August of 2019 if my case was only in Kansas!

Although I am happy for myself that, by the grace of God, I would qualify for Missouri workers' compensation benefits, my heart aches for those who suffer like I do and are only entitled to Kansas workers' compensation benefits. I'm here to tell you that this cap on permanent disability benefits is, not only unfair, but it is inhumane. I'm here to beg you, and I mean it when I tell you that if I could get out of this chair and get on my knees to get you to fix this injustice, I would. But, all of you can still get on your knees. So, tonight when you get on your knees in prayer, ask God to give you the courage to do what you know is the right thing to do here and vote in favor of Senate Bill 38. Thank you for this opportunity.