

# Missouri Court of Appeals Upholds \$1.5 Million Whistleblower Jury Verdict

**Whistleblower Defense Blog** on **January 31, 2018**

On January 22, 2018, the Missouri Court of Appeals upheld a jury verdict awarding approximately \$1.5 million in damages to a radiation oncologist after finding that she had been constructively and wrongfully terminated in violation of Missouri law (specifically, “Missouri public policy”) in retaliation for reporting alleged instances of substandard medical treatment and fraud. [Kim v. Mercy Clinic Springfield Communities](#), Case Nos. SD34547 & SD34561.

Defendant employed Plaintiff as a radiation oncologist from 2006 to 2012. During Plaintiff’s employment, she reported suspected Medicare fraud and violations of patient care standards to Defendant. Plaintiff claimed that, after raising these concerns, Defendant retaliated against her and ultimately forced her to resign. Plaintiff filed suit alleging that she had been constructively discharged in violation of Missouri public policy. The case proceeded to trial and the jury subsequently found that Plaintiff had been constructively discharged in violation of public policy. The jury awarded her \$720,821 in compensatory damages and \$800,000 in punitive damages on her wrongful termination claim. Defendant appealed, contending that the trial court erred in denying its motions for a directed verdict. The Missouri Court of Appeals denied Defendant’s appeal and upheld the jury’s verdict and award. The court held that Defendant failed to preserve the issues it raised on appeal.

This sizeable adverse jury verdict highlights the risks that employers may face in trying whistleblowing and retaliation suits to a jury.

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