

MISSOURI COURT OF APPEALS, EASTERN DISTRICT, DIVISION TWO

Lindenau v. St. Louis ARC, Inc.

351 S.W.3d 250 (Mo. Ct. App. 2011) · No. ED 96272 · Decided October 25, 2011

SUMMARY

Rebecca Lindenau appealed the Missouri Labor and Industrial Relations Commission's denial of unemployment benefits after it determined that she was discharged for misconduct. The Missouri Court of Appeals, Eastern District, affirmed the Commission's order under Missouri Rule 84.16(b), concluding that the appeal presented no error of law and that a written opinion would have no precedential value.

CASE DETAILS

COURT	Missouri Court of Appeals, Eastern District, Division Two
WRITING FOR THE COURT	Kathianne Knaup Crane, P.J.; Lawrence E. Mooney, J.; Kenneth M. Romines, J.
JURISDICTION	Missouri
DECIDED	October 25, 2011
DOCKET	ED 96272
DISPOSITION	affirmed
PROCEDURAL POSTURE	Employee appealed the Labor and Industrial Relations Commission's order denying her unemployment benefits after the Commission found that she had been terminated for misconduct.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Rebecca Lindenau v. St. Louis ARC, Inc., Division of Employment Security

TOPICS

unemployment benefits

administrative law

appellate procedure

standard of review

PRACTICE AREAS

employment law

administrative law

QUESTIONS PRESENTED

1. Whether sufficient evidence established that Lindenau's conduct constituting the basis for her termination was willful misconduct rendering her ineligible for unemployment benefits.

HOLDINGS

1. The court found no error of law in the Commission's order denying Lindenau unemployment benefits and affirmed the order.

KEY QUOTATIONS

“Thus, a written opinion would have no precedential value.” (351 S.W.3d at 251)

FACTUAL BACKGROUND

Rebecca Lindenau sought unemployment benefits after her employment with St. Louis ARC, Inc. ended. The Division deputy determined that she had been terminated for misconduct, while the Appeals Tribunal later found that her conduct did not constitute misconduct and that the employer's protest was untimely. The Labor and Industrial Relations Commission reversed the Tribunal and denied benefits.

PROCEDURAL HISTORY

A Division deputy initially found Employee ineligible for unemployment benefits because she was terminated for misconduct. The Appeals Tribunal reversed, finding no misconduct and determining that the employer was not an interested party because its protest was untimely. The Labor and Industrial Relations Commission reversed the Tribunal and denied benefits. Employee appealed to the Missouri Court of Appeals, which affirmed the Commission's order under Missouri Rule 84.16(b).

DISPOSITION

affirmed

OPINION

PER CURIAM.

351 S.W.3d 250 (2011) Rebecca LINDENAU, Appellant, v. ST. LOUIS ARC, INC., and, Division of Employment Security, Respondents. No. ED 96272. Missouri Court of Appeals, Eastern District, Division Two. October 25, 2011. *251 Henry P. Elster, The Elster Law Office, LLC, St. Louis, MO, for appellant. Shelly A. Kintzel, Division of Employment Security, Jefferson City, MO, for respondent DES.

St. Louis ARC, Inc., St. Louis, pro se. Before: KATHIANNE KNAUP CRANE, P.J., LAWRENCE E. MOONEY, J., and KENNETH M. ROMINES, J. ORDER PER CURIAM. Rebecca Lindenau (Employee) appeals the Order of the Labor and Industrial Relations Commission denying her unemployment benefits. A Division deputy with the Missouri Division of Employment Security

initially determined that Employee was ineligible for benefits, finding that she was terminated for misconduct.

Employee appealed to the Appeals Tribunal, which reversed the decision of the deputy, finding that Employee was not terminated for misconduct and that her former employer was not an interested party because it had filed its protest too late.

The former employer then appealed to the Labor and Industrial Relations Commission which reversed the decision of the Tribunal and denied Employee unemployment benefits. On appeal, Employee claims there was insufficient evidence to establish that her actions cited by the Commission as misconduct were willful.

We have reviewed the briefs and the Record on Appeal, and find no error of law in this case. Thus, a written opinion would have no precedential value. The parties have been provided with a memorandum for their information only, setting forth the reasons for this order.

The judgment is affirmed pursuant to Rule 84.16(b). AFFIRMED.