

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**THOMAS KIMBLE**

**APPELLANT,**

**v.  
DIVISION OF EMPLOYMENT  
SECURITY**

**RESPONDENT.**

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DOCKET NUMBER WD75161

DATE: January 8, 2013

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Appeal From:

Labor and Industrial Relations Committee

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Appellate Judges:

Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

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Attorneys:

Samuel I. McHenry, Kansas City, MO, for appellant.

Michael E. Cook Pritchett, Jefferson City, MO, for respondent.

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

THOMAS KIMBLE,

APPELLANT,

v.

DIVISION OF EMPLOYMENT SECURITY,

RESPONDENT.

No. WD75161

Labor and Industrial Relations Committee

Before Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Thomas Kimble appeals from the decision of the Labor and Industrial Relations Commission which found that Kimble voluntarily left his employment without good cause and was therefore disqualified for unemployment benefits when he refused an offered replacement position upon the elimination of his existing position.

**Affirmed.**

Division Three holds:

(1) Nothing in section 288.050 suggests a legislative intent to afford employment security in connection with an employee's right to hold *a specific position*. Rather, the law is designed to afford employment security in connection with the *loss of employment*, generally.

(2) The undisputed facts, which include that Kimble could have continued working for employer in a new position, but chose not to, constitute a voluntary departure from employment as a matter of law.

(3) Kimble failed to exercise good faith in quitting his employment as he admits he did not attempt to perform in the replacement position and did not attempt to discuss or resolve his concerns regarding the position with his employer.

Opinion by Cynthia L. Martin, Judge

January 8, 2013

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