

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

NURTO HASSAN

APPELLANT,

**v.
DIVISION OF EMPLOYMENT
SECURITY**

RESPONDENT.

DOCKET NUMBER WD75005 Consolidated with WD75006 and WD75007

DATE: January 15, 2013

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division One: Thomas H. Newton, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

Attorneys:

Catherine J. Barrie, Jefferson City, MO, for appellant.

Larry R. Ruhmann, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

NURTO HASSAN,

APPELLANT,

v.

**DIVISION OF EMPLOYMENT
SECURITY,**

RESPONDENT.

No. WD75005 Consolidated with WD75006
and WD75007

Labor and Industrial Relations Commission

Before Division One: Thomas H. Newton, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

Nurto Hassan was employed as a machine operator by Weaver Manufacturing, Inc. when she became ill. She sought medical treatment and called in sick to work before missing her shift for the first two days of her illness, pursuant to her employer's attendance policy. Hassan, however, failed to call after that and initiated no contact with her employer for one week. When Hassan called in to report that she would be able to cover her next shift, she was informed that she was terminated for missing work and for not following the attendance policy. Thereafter, Hassan applied for unemployment benefits, which were granted to her by a deputy within the Division of Employment Security. Hassan received unemployment benefits however a deputy later determined that she was ineligible to receive benefits because she was terminated for misconduct. Hassan appealed the deputy's decision and continued to receive benefits throughout the appeals process. Ultimately, the Commission determined that Hassan was ineligible to receive unemployment benefits because she was terminated for misconduct and issued three judgments to that effect, each covering a different time period. Although Hassan filed a timely appeal, she failed to specifically appeal the content of the three judgments of the Commission; rather, her appeal only challenged the actions that the Division was taking to recover the overpayments in response to the final judgments of the Commission.

DISMISSED.

Division One holds: Because Hassan did not appeal the final judgments finding that she was ineligible to receive unemployment benefits, and because she only disputed on appeal the actions that the Division was taking to collect the overpayments from her, we lack jurisdiction and accordingly dismiss this appeal. However, pursuant to a decision of the Missouri Supreme Court that was handed down regarding the applicable collection methods that are available to the Division in cases of this type, while this appeal was pending, the Division has acknowledged that the collection methods Hassan objects to will not be used in her case.

Opinion by Gary D. Witt, Judge

January 15, 2013

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