

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

KALIFA GRAY,)	No. ED102698
)	
Claimant/Respondent,)	
)	Appeal from the Labor and
v.)	Industrial Relations Commission
)	
CITY OF ST. LOUIS,)	
COLLECTOR'S OFFICE,)	
)	
Employer/Appellant,)	
)	
AND)	
)	Filed: October 20, 2015
DIVISION OF)	
EMPLOYMENT SECURITY,)	
)	
Respondent.)	

The License Collector for the City of St. Louis appeals from the decision of the Labor and Industrial Relations Commission finding its former employee Kalifa Gray eligible for unemployment benefits. Gray was placed on forced leave after refusing to participate in mandatory training, complaining of severe stress, and having outbursts prompting his removal from the premises. After 12 weeks during which Collector preserved Gray's position in anticipation of his return, Gray voluntarily resigned. The Commission found that Gray was discharged as of the day Collector placed him on forced leave and therefore he was eligible for benefits.

REVERSED AND VACATED.

DIVISION ONE HOLDS: The substantial competent evidence demonstrates that Collector placed Gray on forced leave, as authorized by personnel regulations, and preserved his job for him for 12 weeks. There is no evidence in the record suggesting that Collector ended the employment relationship. The evidence demonstrates that both parties considered the leave temporary. The Commission's finding that Gray was not on leave but was discharged is not supported by any evidence in the record. Further, Gray failed to establish that he resigned for good cause attributable to Collector.

Opinion by: Lisa Van Amburg, Chief Judge
Patricia L. Cohen, J., and James M. Dowd, J., concur.

Attorney for Appellant: Lee Clayton Goodman
Attorney for Respondent: Kalifa Gray, *Pro Se*

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.