

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

LAWRENCE DUNCAN, Appellant,)	No. ED94518
v.)	Appeal from the Labor and
ACCENT MARKETING, LLC AND)	Industrial Relations Commission
DIVISION OF EMPLOYMENT)	Case No. 09-28829 R-A
SECURITY, Respondents.)	FILED: December 28, 2010

OPINION SUMMARY

Lawrence Duncan (“Claimant”) appeals from the order of the Labor and Industrial Relations Commission (“Commission”) affirming the decision of the Appeals Tribunal (“Tribunal”), which found that Claimant was disqualified from receiving unemployment benefits because he committed misconduct connected with work as defined by Section 288.030.1(23).¹ On appeal, Claimant contends the Commission erred in affirming the decision of the Tribunal because his conduct did not amount to misconduct. We reverse and remand.

REVERSED AND REMANDED

DIVISION FOUR HOLDS: (1) The facts found by the Commission do not support the Commission’s conclusion that Claimant’s actions constituted misconduct, and (2) Where negligence serves as the basis for misconduct, there must be a finding that the claimant deliberately or purposefully erred.

Opinion by: Nannette A. Baker, J.

Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorneys for Appellant: John Ammann

Attorneys for Respondent: Accent Marketing *pro se* Jeannie Mitchell

**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.**

¹ All statutory references are to RSMo. Supp. 2006, unless otherwise indicated.