

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KENNETH C. MEYER, Appellant,) No. ED94882
)
vs.) Appeal from the Labor and Industrial
) Relations Commission
CITY OF ST. PETERS and DIVISION OF)
EMPLOYMENT SECURITY, Respondents.) Filed: April 19, 2011

Kenneth C. Meyer (hereinafter, “Claimant”) appeals from the decision of the Labor and Industrial Relations Commission denying him unemployment benefits. Claimant raises one point on appeal, arguing there is not competent and substantial evidence in the record to support a finding that he was discharged for misconduct connected with his work for attempted theft from his employer, the City of St. Peters (hereinafter, “the City”).

REVERSED AND REMANDED.

Division II Holds: The City failed to carry its burden of proof that Claimant’s attempted theft of concession stand merchandise rose to the level of misconduct to justify the denial of unemployment compensation.

Opinion by: George W. Draper III, Judge
Glenn A. Norton, P.J. and Kathianne Knaup Crane, J., concur.

Attorney for Appellant: Gordon D. Prinster

Attorney for Respondents: City of St. Peters (pro se)
Michael E. C. Pritchett (Division of Employment Security)

**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.**