

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

ROBERT WOOD,	)	No. ED96694
	)	
Appellant,	)	Appeal from the Labor and Industrial
	)	Relations Commission
vs.	)	
	)	
KUHLMANN SUPPLY COMPANY, INC.,	)	
and	)	
DIVISION OF EMPLOYMENT SECURITY,	)	
	)	
Respondents.	)	FILED: December 27, 2011

Robert Wood ("Claimant") appeals from the decision of the Labor and Industrial Relations Commission ("the Commission") denying him unemployment benefits following the conclusion of his employment with Kuhlmann Supply Company, Inc. ("Employer"). Claimant argues the Commission erred in finding Claimant voluntarily left work without good cause attributable to the work or Employer's conduct.

REVERSED AND REMANDED.

Division One Holds: The Commission's finding was unsupported by substantial and competent evidence because the evidence demonstrated that Claimant did not voluntarily leave work. Instead, Claimant was effectively discharged when Employer improperly withheld Claimant's outstanding wages. However, since the Commission made no finding regarding misconduct, we reverse and remand back to the Commission for proceedings consistent with this decision.

Opinion by: Roy L. Richter, J.  
Clifford H. Ahrens, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Ron Ribaud

Attorney for Respondent: Jeannie Desir Mitchell

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