

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JACQUELINE SMITH,) ED98902
)
 Appellant,) Appeal from the Labor and
) Industrial Relations Commission
 v.) 12-11714 R-A
)
 DELMAR GARDENS OF CREVE COEUR,)
 OPERATING, LLC and DIVISION OF)
 EMPLOYMENT SECURITY,)
)
 Respondents.) Filed: August 20, 2013

Jacqueline Smith (Claimant) appeals the decision by the Labor and Industrial Relations Commission (Commission) which denied her unemployment compensation benefits after her termination by Delmar Gardens of Creve Coeur (Employer) for alleged misconduct connected with her work. Claimant argues that the Commission erred in determining that Claimant was terminated from employment due to misconduct connected with her work.

AFFIRMED.

Division Five Holds: The Commission’s findings were supported by competent and substantial evidence on the whole record. Although the initial infractions that form the basis of the misconduct claim are minor in nature, the fact that Employer specifically directed Claimant to perform a reasonable task and Claimant intentionally did not perform it constitutes misconduct connected with work.

Opinion by: Gary M. Gaertner, Jr., J.
Angela T. Quigless, J., and Michael Noble, S.J., concur.

Attorneys for Appellant: John J. Ammann, Christopher M. Stuffle (Rule 13)
Attorney for Respondent: Bart A. Matanic

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