

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

JOSHUA HISE,)	No. ED99082
)	
Appellant,)	Appeal from the Labor and Industrial
)	Relations Commission
vs.)	
)	
PNK (River City), LLC,)	
)	
and)	
)	
DIVISION OF EMPLOYMENT SECURITY,)	
)	
Respondent.)	FILED: July 9, 2013

Joshua Hise ("Claimant") appeals from the decision of the Labor and Industrial Relations Commission ("Commission") denying Claimant unemployment benefits. Finding no error, we affirm.

AFFIRMED

Division Three Holds: The Commission's decision denying Claimant unemployment benefits was premised upon Section 288.050.3, not Section 288.050.2 or Section 288.030.1(23). Finding the Employer presented sufficient evidence to raise the rebuttable presumption under Section 288.050.3, the Commission properly shifted the burden onto Claimant to prove his attendance infractions did not constitute misconduct. Furthermore, the Commission's decision was supported by substantial and competent evidence.

Opinion by: Roy L. Richter, J.
Robert G. Dowd, Jr., P.J., concurs in separate concurring opinion
Angela T. Quigless, J., concurs in opinion of Richter, J., and in separate concurring opinion of Dowd, P.J.

Attorneys for Appellant: Joshua Hise, PRO SE
Attorneys for Respondent: Robert A. Bedell

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