

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LONNIE HALKMON,)	
)	
Appellant,)	ED99494
)	
vs.)	
)	
NATIONAL ARCHIVES & RECORDS)	Appeal from the Labor and
ADMINISTRATION)	Industrial Relations Commission
)	
and)	LC-12-04170
)	
DIVISION OF EMPLOYMENT)	
SECURITY,)	
)	FILED: August 20, 2013
Respondents.)	

Lonnie Halkmon (Claimant) appeals a decision by the Labor and Industrial Relations Commission (Commission) denying Claimant unemployment benefits. Claimant argues the Commission’s conclusion that he was terminated due to misconduct connected with work was unsupported by substantial and competent evidence on the whole record.

AFFIRMED.

Division Five Holds: The Commission’s factual findings were supported by competent and substantial evidence on the whole record. The circumstances here included Claimant’s 71 percent filing inaccuracy rate over a period of four months, his demonstrated ability to properly file records, his knowledge of the importance of proper filing to ensure proper handling of veterans’ claims, and the fact that his proffered explanations for such mishandling were not credible. Even if the record did not support the Commission’s finding of deliberate choices to misfile, the nature of Claimant’s repeated misfiling under the circumstances amounted at least to negligence in such degree and recurrence as to manifest culpability. Such action constitutes statutory misconduct connected with work.

Opinion by: Gary M. Gaertner, Jr., J.
Robert M. Clayton III, C.J., and Michael K. Mullen, S.J., concur.

Attorneys for Appellant: John J. Ammann, Ashley N. Schwang (Rule 13)
Attorney for Respondents: Ninion S. Riley

**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.**