

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MO VETERANS' COMMISSION, MEXICO VETERAN'S HOME,
APPELLANT**

vs.

**PHYLLISS VANDERHOOK,
RESPONDENT**

DOCKET NUMBER WD69514

DATE: JUNE 23, 2009

Appeal from:

Circuit Court of Cole County, Missouri
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Division Three: James M. Smart, Jr., Joseph M. Ellis, and James E. Welsh, JJ.

Attorneys:

Emily A. Dodge, for Appellant

Robert V. Krueger, Jr., for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
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**MO VETERANS' COMMISSION, MEXICO VETERANS' HOME, APPELLANT
v.
PHYLLISS VANDERHOOK, RESPONDENT**

WD69514

Cole County, Missouri

Before Division Three Judges: James M. Smart, Jr., Joseph M. Ellis, and James E. Welsh, JJ.

The Missouri Veterans' Commission ("the Commission") appeals from a judgment affirming a decision of the Personnel Advisory Board ("the PAB") disapproving the dismissal of Phylliss Vanderhook from her employment at the Missouri Veteran's Home ("MVH") located in Mexico, Missouri.

AFFIRMED

Division Three holds:

- (1) Contrary to the Commission's assertions, the Commission's determination that the dismissal of an employee is for the good of the service may be challenged on appeal and is not unassailable.
- (2) The PAB's determination that Vanderhook's dismissal was not for the good of the service is supported by substantial evidence upon the whole record and was not an abuse of discretion. The evidence showed that none of Vanderhook's actions were against MVH policy and that she had conducted a thorough and reasoned assessment and made difficult judgment calls in an emergency situation.

Opinion by: Joseph M. Ellis, Judge

Date: June 23, 2009

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