

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**ANGELIKA SAKAGUCHI**

**APPELLANT,**

**v.**

**MISSOURI DEPARTMENT OF CORRECTIONS  
and DIVISION OF EMPLOYMENT SECURITY**

**RESPONDENTS.**

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DOCKET NUMBER WD71997

DATE: December 14, 2010

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Appeal From:

Labor and Industrial Relations Commission

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Appellate Judges:

Division Four: Lisa White Hardwick, Chief Judge, Presiding, Gary D. Witt, Judge and Hadley Grimm, Special Judge

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Attorneys:

Mikah K. Thompson, Kansas City, MO, for appellant.

Shelly A. Kintzel and Matthew Briesacher, Jefferson City, MO, for respondents.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**ANGELIKA SAKAGUCHI,**

**APPELLANT,**

**v.**

**MISSOURI DEPARTMENT OF CORRECTIONS  
and DIVISION OF EMPLOYMENT SECURITY,**

**RESPONDENTS.**

No. WD71997

Labor and Industrial Relations Commission

Before Division Four Judges: Lisa White Hardwick, Chief Judge, Presiding, Gary D. Witt, Judge and Hadley Grimm, Special Judge

Angelika Sakaguchi appeals the decision of the Labor and Industrial Relations Commission denying her unemployment benefits.

**REVERSED AND REMANDED.**

**Division Four holds:**

In her sole point on appeal, Sakaguchi argues the Labor and Industrial Relations Commission ("Commission") erred in denying her unemployment benefits because employer failed to show that she committed misconduct in connection with her work. Section 288.050.2 provides that a person claiming unemployment benefits who has been discharged for "misconduct" connected with the claimant's work is disqualified from receiving such benefits. "Misconduct" is defined by Section 288.030.1(23) as

an act of wanton or willful disregard of the employer's interests, a deliberate violation of the employer's rules, a disregard of standards of behavior which the employer has the right to expect of his or her employee, or negligence in such degree or recurrence as to manifest culpability, wrongful intent or evil design, or show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

The Commission found that Sakaguchi's failure to relocate her office qualified as misconduct and, therefore, she was disqualified from receiving unemployment benefits. The record and facts found by the Commission do not support a finding that Sakaguchi deliberately disregarded the directives of her employer. The following facts support Sakaguchi's claim: Sakaguchi internally appealed the decisions of her employer through processes established by the employer and each time was successful, the employer's directions were not clear; Sakaguchi did temporarily relocate some of her supplies and did work out of the new office location at times; Sakaguchi was not told she could never return to her old office as she travelled in connection with work.

Poor judgment is not sufficient to constitute misconduct and valid reasons to dismiss an employee are not in themselves sufficient to deny unemployment benefits. It was the employer's burden to prove willful misconduct and the record shows that the employer failed to do so. Cause is reversed.

**Opinion by: Gary D. Witt, Judge**

December 14, 2010

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