

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

DAWN STEWART,

Appellant

v.

STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY.

Respondent

DOCKET NUMBER WD76338

DATE: FEBRUARY 4, 2014

Appeal From:

Circuit Court of Labor and Industrial Relations County, MO

Appellate Judges:

Division One

Alok Ahuja, P.J., Thomas H. Newton, Anthony Rex Gabbert, JJ.

Attorneys:

Dawn Stewart, Trenton, MO

Appellant Pro Se,

Attorneys:

Ninion S. Riley, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DAWN STEWART, Apellant, v.
STATE OF MISSOURI DIVISION OF
EMPLOYMENT SECURITY, Respondent**

WD76338

Labor and Industrial Relations

Before Division One Judges: Alok Ahuja, P.J., Thomas H. Newton, Anthony Rex Gabbert, JJ.

Dawn Stewart appeals the Labor and Industrial Relations Commission’s order concluding that Stewart was overpaid unemployment benefits in the amount of \$368.00. Stewart contends that the Commission’s decision was not supported by competent and substantial evidence because the determination was made in the absence of all records material to the issue of overpayment and was based on inaccurate Division of Employment Security records which falsely claimed that Stewart received a total of \$140.84 in paid personal time wages.

REVERSED AND REMANDED

Division One Holds:

The Commission’s findings were not supported by sufficient competent evidence where the Division of Employment Security’s evidence conflicts and partly supports Stewart’s contentions, and the Commission failed to address or acknowledge the conflict.

Opinion by Anthony Rex Gabbert, Judge

Date: February 4, 2014

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