

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

MARY K. LUCIDO,

Appellant,

v.

DIVISION OF EMPLOYMENT SECURITY,

Respondent.

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**DOCKET NUMBER WD76940**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** September 9, 2014

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**APPEAL FROM**

The Labor and Industrial Relations Commission

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**JUDGES**

Division I: Pfeiffer, P.J., and Hardwick and Mitchell, JJ.

CONCURRING.

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**ATTORNEYS**

Mary K. Lucido  
Columbia, MO

Appellant, *pro se*,

Ninion S. Riley  
Jefferson City, MO

Attorney for Respondent.

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

MARY K. LUCIDO, )  
)  
Appellant, )  
v. )  
DIVISION OF EMPLOYMENT )  
SECURITY, )  
Respondent. )

**OPINION FILED:**  
**September 9, 2014**

**WD76940**

**Labor and Industrial Relations Commission**

**Before Division I Judges:** Mark D. Pfeiffer, Presiding Judge, and Lisa White Hardwick and Karen King Mitchell, Judges

Mary K. Lucido appeals a decision of the Labor and Industrial Relations Commission, which affirmed the decision of the Appeals Tribunal denying Lucido’s application for unemployment benefits. On appeal, Lucido alleges that the Commission’s decision was in error because her employer’s act of reassigning to another employee one of Lucido’s accounts, which comprised the great majority of her work and, therefore, her pay, amounted to either an involuntary termination of Lucido or good cause for Lucido to quit her work voluntarily.

**REVERSED AND REMANDED WITH DIRECTIONS.**

**Division I holds:**

Lucido’s employer reassigned to another employee one of the four retail stores in which Lucido worked stocking the employer’s greeting cards and other products. The reassigned store accounted for over ninety percent of Lucido’s work and her pay. After an undesirable change in working conditions, an employee should normally show good faith by either working with her employer to remedy her concerns or remaining partially employed while she seeks substitute employment. In Lucido’s case, however, this was not necessary, as Lucido was actually losing money by working the three stores that she retained, and her employer knew that this was an unacceptable situation for Lucido yet made no attempts or promises to ameliorate Lucido’s concerns.

**Opinion by: Mark D. Pfeiffer, Presiding Judge**

September 9, 2014

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