

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ROSE SPEED, APPELLANT

vs.

DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

DOCKET NUMBER WD77350

DATE: March 24, 2015

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, James E. Welsh, Judge and Gary D. Witt,
Judge

Attorneys:

Rose Speed, Appellant Pro-se

Sara H. Harrison, for Respondent

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

ROSE SPEED, APPELLANT

v.

DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

WD77350

Labor and Industrial Relations

Before Division Three: Victor C. Howard, Presiding Judge, James E. Welsh, Judge and Gary D. Witt, Judge

Rose Speed appeals the Labor and Industrial Relations Commission's ("Commission") denial of her claim for unemployment benefits based on the finding that she was discharged for misconduct connected with work. Ms. Speed contends that the Commission's finding of misconduct was not supported by competent and substantial evidence in that the only evidence of the alleged misconduct was hearsay to which she made statements at the hearing from which an objection could be inferred, and thus did not waive her right to competent and substantial evidence.

AFFIRMED.

Division Three holds that, because Ms. Speed affirmatively stated that she had no objection to the admission of the appeals packet containing the hearsay evidence of her misconduct, she waived all review, including plain error review. Further, the Commission found the version of events as related in the testimony of the employer's witness, to which no objection was made and that largely mirrored the investigation notes within the appeals packet, to be credible, and this Court defers to that determination of credibility. The Commission's finding of misconduct and resulting denial of unemployment benefits was supported by competent and substantial evidence.

Opinion by: Victor C. Howard, Judge

Date: March 24, 2015

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