

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

WILLIAM ALTON, APPELLANT

vs.

MISSOURI DEPARTMENT OF PUBLIC SAFETY, RESPONDENT

DOCKET NUMBER WD77617

DATE: March 10, 2015

Appeal from:

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

Appellate Judges:

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

Attorneys:

Jonathan D. McQuilkin, for Appellant

Nicholas S. Beydler, for Respondent

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

WILLIAM ALTON, APPELLANT

v.

MISSOURI DEPARTMENT OF PUBLIC SAFETY, RESPONDENT

WD77617

Cole County, Missouri

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

William Alton appeals the summary judgment in favor of the Missouri Department of Public Safety in his action against it for age discrimination/failure to hire. He contends that a genuine dispute of material fact existed as to whether he was an employment applicant under section 213.055.1, RSMo 2000.

AFFIRMED.

Division Three holds:

Where Mr. Alton voluntarily retired after his position was eliminated due to budget cuts and only expressed an interest in positions that became available before the date of his retirement, Mr. Alton did not apply for any of the positions for which others were rehired several months after his retirement, did not make every reasonable effort to convey his interest in such jobs, and the Department had no reason or duty to consider him for such positions. Thus, he was not an employment applicant entitled to protections under the MHRA, and the trial court properly granted summary judgment in favor of the Department.

Opinion by: Victor C. Howard, Judge

Date: March 10, 2015

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