In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

LISA HOEFT, Respondent, vs. TRUE MANUFACTURING COMPANY, INC., Appellant, and DIVISION OF EMPLOYMENT SECURITY, Respondent.	)	No. ED108292 Labor and Industrial Relations Commission 2054335 Filed: June 23, 2020

Appellant True Manufacturing Company appeals the Labor and Industrial Relations Commission's decision that Respondent Lisa Hoeft was not disqualified from receiving unemployment compensation benefits on the basis of alleged misconduct in connection with absences and tardiness.

AFFIRMED.

DIVISION IV HOLDS: We affirm the decision of the Commission that Hoeft was not disqualified after Appellant terminated her when she arrived one hour late to work because "tardiness" does not constitute an "absence" within the meaning of "misconduct" under § 288.030.1(23)(c). Moreover, Hoeft's six-and-a-half days of absences over 10 months do not constitute "chronic absenteeism" that would satisfy the meaning of "misconduct" so as to disqualify Hoeft from benefits.

Opinion by: James M. Dowd, P.J.

Gary M. Gaertner, Jr., J., and Robin Ransom, J., concur.

Attorney for Appellant: Kristen N. James

Attorney for Respondent: Lisa R. Hoeft acting *pro se*;

Attorneys for Division of Employment Security: Bart A. Matanic and Todd A. Scott

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.