MISSOURI COURT OF APPEALS
WESTERN DISTRICT

417 PET SITTING, LLC

APPELLANT,

v.

DIVISION OF EMPLOYMENT SECURITY

RESPONDENT.

DOCKET NUMBER WD83833

DATE: October 27, 2020

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge and Anthony Rex Gabbert, Judge

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Attorneys:

Raymond B. Lampert, Springfield, MO, for appellant.

Andrea M. Follett, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

417 PET SITTING, LLC, APPELLANT,
v.
DIVISION OF EMPLOYMENT SECURITY, RESPONDENT.

WD83833 Labor and Industrial Relations Commission

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

417 Pet Sitting, LLC appeals a decision by the Labor and Industrial Relations Commission, which found that its workers engaged as pet caretakers performed services in employment, pursuant to section 288.034, RSMo. Pet Sitting contends that its pet caretakers are independent contractors and that there was insufficient competent evidence in the record to support the Commission's decision.

AFFIRMED.

Division Four holds:

Based upon the whole record, competent and substantial evidence supports finding that Pet Sitting's caretakers are employees, rather than independent contractors. Pet Sitting has failed to sustain its burden to prove that its pet caretakers are independent contractors under the common law right to control test, in that we conclude that nineteen of the twenty factors are relevant to Pet Sitting's operation, and that thirteen of those indicate an employer-employee relationship, while one factor is neutral and five factors indicate an independent contractor relationship.

Opinion by: Cynthia L. Martin, Judge October 27, 2020

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