MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARY RELIFORD,

Appellant,

v.

DIVISION OF EMPLOYMENT SECURITY,

Respondent.

DOCKET NUMBER WD83154

Date: November 17, 2020

Appeal from:
Labor and Industrial Relations Commission

Appellate Judges:
Division Four: Cynthia L. Martin, C.J., and Alok Ahuja and Edward R. Ardini, JJ.

Attorneys:
Mary Reliford, Kansas City, appellant pro se
Timothy A. Blackwell, Jefferson City for respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARY RELIFORD, Appellant,
v.
DIVISION OF EMPLOYMENT SECURITY, Respondent.

WD83154 Labor and Industrial Relations Commission

Before Division Four Judges: Cynthia L. Martin, C.J., and Alok Ahuja and Edward R. Ardini, JJ.

Mary Reliford worked at Wal-Mart as a fitting-room associate from July 2017 through March 2019. She was terminated by Wal-Mart for violating its attendance policy, which provided that an employee would be subject to termination if the employee accrued five absences from scheduled work shifts during any six-month period. The attendance policy made no exceptions for absences caused by illness, weather, or other circumstances beyond the employee's control.

Reliford did not dispute that she had five absences in March 2019, and she conceded that she was aware of Wal-Mart's attendance policy. She contended, however, that several of her absences in March 2019 were not her fault, but were caused by car trouble, illness, and inclement weather.

After her termination, Reliford applied for unemployment benefits. The Labor and Industrial Relations Commission concluded that Reliford was disqualified from receiving unemployment benefits because she had been discharged for misconduct. Reliford appeals.

AFFIRMED.

Division Four holds:

On appeal, Reliford's sole argument is that Wal-Mart failed to prove that she was discharged for misconduct, because the evidence did not establish that all of her absences in March 2019 were willful. The post-2014 version of § 288.030.1(23)(c), RSMo does not require, however, that an employee's absences be deliberate, willful, knowing, or otherwise culpable. Instead, all that is required is that the employer

show that the employee's absences violated the employer's attendance policy, and that the employee was aware of that policy. Reliford does not dispute that those conditions were satisfied here.

Opinion by: Alok Ahuja, Judge November 17, 2020

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