MISSOURI COURT OF APPEALS
WESTERN DISTRICT

PATRICIA JEAN RITCHIE

RESPONDENT,

v.

LORI GORDON, APPOINTING AUTHORITY MISSOURI DEPARTMENT OF NATURAL RESOURCES

APPELLANT.

DOCKET NUMBER WD83424

DATE: December 22, 2020

Appeal From:

Cole County Circuit Court
The Honorable Daniel R. Green, Judge

Appellate Judges:

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

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Attorneys:

Patricia J. Ritchie, Respondent Pro Se.

Deborah B. Yates and Denise G. McElvein, St. Louis, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

PATRICIA JEAN RITCHIE, RESPONDENT,
v.
LORI GORDON, APPOINTING AUTHORITY MISSOURI DEPARTMENT OF NATURAL RESOURCES, APPELLANT.

WD83424 Cole County

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

The Department of Natural Resources appeals the circuit court's reversal of the Administrative Hearing Commission's ("AHC") decision to sustain DNR's termination of Patricia Ritchie. As the party aggrieved by the administrative agency's decision, Ritchie was required to file the first brief by Rule 84.05(e). Ritchie failed to do so, despite notice of dismissal pursuant to Rule 84.08. Her appeal was dismissed. As a result, Ritchie has not preserved any issue for appellate review, and is unable to sustain her burden to demonstrate that the agency decision in this case was incorrect.

Vacate circuit court's judgment and remand this matter with instructions to reinstate the decision of the AHC.

Division Four holds:

1. Ritchie was the deemed appellant this appeal pursuant to Rule 84.05(e). She had the obligation to file the appellant's brief.

2. Ritchie's right to seek appellate review of the agency decision giving rise to her termination was appropriately dismissed after she failed to file the appellant's brief as required by Rule 84.05(e), despite due notice of dismissal as required by Rule 84.08(a).

3. The Board has requested that we vacate the circuit court's Judgment pursuant to Rule 84.08(b). We are obligated to afford this relief as Ritchie has preserved no issue for appellate review, and cannot sustain her burden to demonstrate that the agency decision was incorrect.

Opinion by: Cynthia L. Martin, Judge December 22, 2020

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