MISSOURI COURT OF APPEALS
WESTERN DISTRICT

LEX GROUP, INC.,
APPELLANT

vs.

CAROL CLIFT AND DIVISION OF EMPLOYMENT SECURITY,
RESPONDENTS

DOCKET NUMBER WD83867

DATE: JANUARY 26, 2021

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Two: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Terry L. Pabst, for Appellant

Bart A. Matanic, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

LEX GROUP, INC., APPELLANT,
v.
CAROL CLIFT AND DIVISION OF EMPLOYMENT SECURITY, RESPONDENTS.

WD83867 Labor and Industrial Relations Commission

Before Division Two Judges: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge, and Edward R. Ardini, Jr., Judge

Carol Clift ("Claimant") was discharged from her employment with Lex Group, Inc. ("Employer") for violation of Employer's attendance policy. Claimant's claim for unemployment benefits was denied by both a deputy with the Division of Employment Security and the Division's appeals tribunal. The Labor and Industrial Relations Commission ("Commission") reversed the denial, finding that Claimant was eligible for unemployment benefits. Employer appeals.

Employer's notice of appeal was received by the Commission after the statutory deadline. Employer argues that it had timely mailed its notice of appeal, but that it was returned by the postal service bearing a sticker stating - "No Mail Receptacle – Unable to Forward." The envelope purporting to have been timely mailed was also stamped – "Returned to Sender – Refused Postage Due."

DISMISSED.

Division Two holds:

Employer's appeal was untimely under the statutory deadlines required by chapter 288, RSMo. As a result, we lack jurisdiction to hear Employer's appeal.

Opinion by: Edward R. Ardini, Jr., Judge Date: January 26, 2021

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