OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

CAROL VINSON,	)	No. ED109171
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Louis County
vs.	)	
	)	Honorable Amanda B. McNelley
MISSOURI COMMISSION ON	)	
HUMAN RIGHTS, ET AL.,	)	
	)	
Respondents.	)	Filed: April 27, 2021

Appellant Carol Vinson appeals the trial court's dismissal of her petition for judicial review of a Missouri Commission on Human Rights' ("MCHR") decision involving her former employer CenturyTel Holdings Missouri, Inc. and her former supervisor, Ted Wilmes. The MCHR issued a "right-to-sue" letter to Appellant regarding CenturyTel but refused to issue a right-to-sue letter against Wilmes. Appellant raises two points on appeal. In Point I, Appellant raises an unpreserved argument the trial court erred by dismissing her claim the MCHR lacked statutory authority to refuse to issue her a right-to-sue letter against Wilmes. Appellant conceded and withdrew Point I at oral argument. In Point II, Appellant argues the trial court erroneously applied the law by retroactively applying the amended definition of "employer" provided in Mo. Rev. Stat. § 213.010 (2019) to bar her discrimination claim against Wilmes for conduct preceding the amendment. Respondent argues the trial court applied the correct definition of "employer" because Appellant pled no facts establishing her claim accrued before the statute was amended.

In addition to responding to each Point on the merits Respondents argue an alternative ground for affirmance, asserting the trial court should have dismissed Appellant's petition because Appellant did not file a writ of mandamus petition and comply with Rule 94.03.

AFFIRMED.

DIVISION IV HOLDS: Respondents' alternative ground for affirmance is dispositive. Section 536.150 requires judicial challenges to administrative proceedings to be filed as a "suit for injunction, certiorari, mandamus, prohibition or other appropriate action." The Missouri Supreme Court has stated mandamus is the correct mechanism for courts to compel the MCHR to act. *State ex rel. Martin-Erb v. Missouri Comm'n on Human Rights*, 77 S.W.3d 600, 608-09 (Mo. banc 2002). The trial court should have dismissed Appellant's petition for judicial review because Appellant failed to comply with section 536.150 and was "made aware of the failure to follow Rule 94." *Lampley v. Missouri Comm'n on Human Rights*, 570 S.W.3d 16, 21 (Mo. banc 2019).

Point I was conceded at oral argument. Point II is moot given our holding.

Accordingly, we affirm the trial court's judgment.

Opinion by: Philip M. Hess, J.
Gary M. Gaertner, Jr., P.J. and Michael E. Gardner, J. concur.

Attorney for Appellant: Joan M. Swartz and Ryan S. Shaughnessy

Attorney for Respondent: Sara G. Rittman, Sarah J. Kuehnel, and Andrew L. Metcalf

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.