

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

GEORGE CHAVIS,	)	
	)	
Appellant,	)	
	)	No. ED110016
v.	)	
	)	
WAL-MART ASSOCIATES, INC.	)	Appeal from the Labor and
	)	Industrial Relations Commission
and	)	Case No. 2149413
	)	
DIVISION OF EMPLOYMENT	)	
SECURITY,	)	Filed: June 7, 2022
	)	
Respondents.	)	

George Chavis (Claimant) appeals the decision of the Labor and Industrial Relations Commission (Commission) denying him unemployment compensation. The Commission concluded that Claimant voluntarily left his employment with Wal-Mart (Employer) and was therefore not entitled to unemployment benefits. Claimant argues the Commission's conclusion is unsupported by sufficient competent evidence in that he left work due to illness, which is not a voluntary quit as a matter of law.

REVERSED.

Division Two Holds: The record does not support the Commission's finding that Claimant left work voluntarily and did not contact Employer. The undisputed testimony of Claimant shows that Claimant fell ill with COVID-19 while working, received approval from his direct supervisor to go home, and repeatedly contacted Employer to request paid leave and resume work when he recovered. The Commission's own factual findings contradict its conclusion that Claimant failed to contact Employer. Viewing the record objectively, and in the absence of a credibility determination, the Commission's finding that the Claimant voluntarily left his employment is contrary to the overwhelming weight of the evidence.

Opinion by: Gary M. Gaertner, Jr., J.,
Robert M. Clayton III, P.J., and Thomas C. Clark II, J., concur.

Attorney for Appellant: Lew Polivick
Attorneys for Respondent: Andrea M. Follett, Sarah L. Lipp

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.
