MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARY ANN DEWES, Appellant,
v.
DIVISION OF EMPLOYMENT SECURITY, Respondent.

DOCKET NUMBER WD85578

DATE: February 7, 2023

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge and
Cynthia L. Martin, Judge

Attorneys:

Mary Dewes, Sarasota, FL, Appellant Acting Pro Se

Bart Matanic, Jefferson City, MO for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARY ANN DEWES, Appellant,
v.
DIVISION OF EMPLOYMENT SECURITY, Respondent.

WD85578 Labor and Industrial Relations Commission

Before Division Three Judges: Thomas N. Chapman, P.J., Mark D. Pfeiffer and Cynthia L. Martin, JJ.

Mary Dewes appeals from an order of the Labor and Industrial Relations Commission, which purported to dismiss as untimely Dewes's April 22, 2022 application for review of an April 11, 2021 decision of the Appeals Tribunal in an employment security case.

REVERSED THE COMMISSION'S ORDER OF DISMISSAL AND REMANDED TO THE COMMISSION.

Division Three holds:

In that the Commission's dismissal order does not correctly identify an actual decision of the Appeals Tribunal (none are dated April 11, 2021); in that said order identifies Dewes's April 22, 2022 application for review which sought review of an Appeals Tribunal decision that the Commission had determined was a nullity; and in that the Commission's July 6, 2022 dismissal order fails to address the operable (May 28, 2021) Appeals Tribunal Corrected Decision and related application for review (which the Commission had earlier determined had alleged facts that "if true, may bear on the timeliness of [said] Application for Review"); the Commission's order is unlawful. We remand to the Commission for the Commission to address the timeliness of Dewes's application for review of the May 28, 2021 decision of the Appeals Tribunal, and, if timely, to address Dewes's application for review.

Opinion by: Thomas N. Chapman, Presiding Judge February 7, 2023

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