MISSOURI COURT OF APPEALS
WESTERN DISTRICT

BRUCE A. HALSTEAD,	)	
	)	
Appellant,	)	
	)	
v.	)	**WD88267**
	)	
AMAZON.COM SERVICES, INC., EMPLOYER, AND DIVISION OF EMPLOYMENT SECURITY,	)	**Filed: April 28, 2026**
	)	
Respondent.	)	

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

BEFORE DIVISION TWO: W. DOUGLAS THOMSON, PRESIDING JUDGE, LISA WHITE HARDWICK, JUDGE, AND MARK D. PFEIFFER, JUDGE

Bruce Halstead appeals from the Labor and Industrial Relations Commission's ("Commission") dismissal of his application for review of a decision by the Division of Employment Security ("DES") Appeals Tribunal. The Commission dismissed the application because Halstead failed to file it within the required 30-day period. As explained herein, we dismiss Halstead's appeal because he has not asserted any error with regard to the Commission's decision and has only challenged the merits of the decision by the Appeals Tribunal.

FACTUAL AND PROCEDURAL HISTORY

Halstead, previously an employee of Amazon.com Services Inc., filed a claim with DES for unemployment benefits. A deputy determined Halstead was disqualified from receiving unemployment because he was terminated for misconduct based on violation of the employer's attendance policy.

Halstead appealed the determination to the DES Appeals Tribunal on June 3, 2025. He received notice that his appeal was scheduled for a telephone hearing on June 27, 2025 at 9:00 a.m. When Halstead did not call-in to participate in the hearing, DES dismissed his appeal on June 30, 2025. The notice of dismissal, which was mailed to Halstead on June 30, 2025, explained that he could appeal the dismissal by filing an application for review to the Commission within 30 days of the Appeals Tribunal's decision.

On August 7, 2025, Halstead filed an application for review with the Commission. On August 13, 2025, the Commission dismissed his application because it was "neither postmarked nor received within thirty (30) days after the Appeals Tribunal Order was mailed," as required by Section 288.200.[1] Halstead appeals.

ANALYSIS

In his two points on appeal, Halstead challenges the dismissal of his appeal by the Appeals Tribunal. In Point I, he contends the Appeals Tribunal erred in dismissing his appeal because he attempted to call-in for the telephone hearing and had good cause for

[1] All statutory references are to the Revised Statutes of Missouri 2016, as updated by the 2025 Supplement.

failing to participate. In Point II, he contends the Appeals Tribunal erred in dismissing his appeal on "purely procedural" grounds that prevented the merits of his claim from being adjudicated.

Section 288.210 limits our scope of judicial review in this matter to reviewing the propriety of the Commission's decision. *See Jensen v. Div. of Emp. Sec*., 699 S.W.3d775. 777 (Mo. App. 2024). The Commission determined that Halstead's application for review of the Appeals Tribunal decision was untimely filed and therefore dismissed the proceeding. Neither of Halstead's points on appeal challenge the reason for the Commission's dismissal of his application for review. "If a claimant does not address on appeal the issues decided by the Commission, then the claimant is deemed to have abandoned the appeal." *Id. (*quoting *Hauenstein v. Houlihan's Rests., Inc*., 381 S.W.3d 380, 380 (Mo. App. 2012)).

After DES raised this issue of abandonment in its brief, Halstead attempted to correct the error in his reply brief by arguing that the Commission's dismissal of his application for review "on the basis of untimeliness … deprived him of a meaningful opportunity to be heard." Given that Halstead failed to even mention this argument in his initial brief, it is not preserved for review. *Coyne v. Coyne*, 17 S.W.3d 904, 906 (Mo. App. 2000). Moreover, his reply brief offers no facts or law in support of his assertion that the Commission's decision was improper or that his review application was timely filed. "Appellate courts are generally precluded from addressing assertions made for the first time in a reply brief because a respondent has no opportunity to address the argument." *Id.* (citing *Berry v. State*, 908 S.W.2d 682, 684 (Mo. banc 1995).

Halstead's appeal has utterly failed to challenge the Commission's finding that his application for review was untimely. We are barred from considering his points regarding the dismissal of his claims by the Appeals Tribunal because the Commission did not address them. Accordingly, he has not presented an issue within the scope of our judicial review, and his appeal must be dismissed. *Herrmann v. Div. Emp. Sec.*, 673 S.W.3d 889, 892 (Mo. App. 2023).

CONCLUSION

The appeal is dismissed.



LISA WHITE HARDWICK, JUDGE

All Concur.