MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD88815

RYAN NELSON,
Appellant,

v.

DENOVO RECOVERY, EMPLOYER, AND DIVISION
OF EMPLOYMENT SECURITY,
Respondent.

Opinion Filed: November 3, 2026

Appeal from the Labor and Industrial Relations Commission

Before Two: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge,
and W. Douglas Thomson, Judge

Ryan Nelson appeals the order of the Labor and Industrial Relation Commission (the "Commission") denying his claim for unemployment benefits following his termination of employment with Denovo Recovery, LLC ("Denovo"). Nelson argues that the Commission erred in determining that he quit work voluntarily without good cause attributable to his work or employer, therefore rendering him disqualified for unemployment benefits. We affirm.

Facts

Nelson was employed by Denovo as a director of outpatient services from March 11, 2024, to October 14, 2025. His supervisor at Denovo ("Supervisor") was also a co-owner of a separate but affiliated company that employed Nelson's wife. Shortly before October 14, 2025, Nelson's wife received an email from Supervisor terminating her employment at the affiliated company. Nelson was upset because his wife had been experiencing a difficult pregnancy and then suffered panic attacks after losing her job three weeks before the baby was due. On October 14, 2025, in an "emotionally charged" conversation, Nelson spoke with Supervisor by telephone about the circumstances of his wife's firing. According to Supervisor, Nelson stated, "I can't work here, today is going to be my last day." Both Nelson and Supervisor agreed that Nelson then "backtracked." Nelson affirmed that he "had made this statement, to management, that [he] couldn't do this" and that "later during that same conversation, [he] then asked for a few days off." Supervisor testified, "He resigned, and then he asked later in the call to have some days to think about it." Supervisor testified that she "accepted [Nelson's] resignation," and that, when he later "backtracked" and asked for time to think about it, she told him, "we already accepted [your] resignation."

On October 21, 2025, Nelson filed his claim for unemployment benefits. Denovo then filed a letter contesting his claim. On November 6, 2025, a Division of Employment Security hearing officer determined that Nelson was disqualified for benefits pursuant to

RSMo. § 288.050,[1] which Nelson appealed. On December 15, 2025, following a December 11th telephone hearing, the Appeals Tribunal entered its decision reversing the Division of Employment Security's determination on grounds that Nelson's reasons for quitting his job were reasonable. On January 6, 2026, Denovo filed its appeal with the Commission.

The Commission found that "[d]uring that [October 14, 2025] discussion, [Nelson] stated he was quitting his position due to his wife's layoff. [Nelson] later attempted to rescind his notice, but the employer chose not to accept that rescission." The Commission determined that, "[w]hile it is perfectly understandable that [Nelson] was upset about his wife losing her job, especially so close to her maternity leave, we cannot conclude that [Nelson] acted reasonably under the circumstances." The Commission concluded that "[Nelson] voluntarily separated from work on October 14, 2025, without good cause attributable to the work or the employer" and thus, was not entitled to unemployment benefits. This appeal followed.

Standard of Review

On review of the Commission's decision denying benefits, this Court may "modify, reverse, remand for rehearing, or set aside" the Commission's decision "on the following grounds and no other":

(1) That the commission acted without or in excess of its powers;

(2) That the decision was procured by fraud;

[1] All statutory references are to RSMo (2016), as updated through the 2025 Cumulative Supplement, unless otherwise indicated.

(3) That the facts found by the commission do not support the award; or

(4) That there was no sufficient competent evidence in the record to warrant the making of the award.

§ 288.210(1)-(4).

Because Nelson's appeal is based on § 288.210(4), we will affirm if, after reviewing the whole record, we find substantial and competent evidence to support it. *Miller v. Help at Home, Inc.*, 186 S.W.3d 801, 805 (Mo. App. W.D. 2006).

Analysis

Nelson's sole point on appeal is that the Commission erred in finding that he voluntarily left work without good cause attributable to the work or Denovo because there was not sufficient evidence to find that he made a "clear, final, voluntary resignation."

The purpose of maintaining unemployment reserves under Chapter 288 is that they "be used for the benefit of persons unemployed through no fault of their own." § 288.020.1. Whether an employee has "voluntarily" left work "is generally a question of fact, on which we defer to the Commission." *Mussa v. Div. of Emp. Sec.*, 649 S.W.3d 316, 321 (Mo. App. W.D. 2022). Thus, we defer to the Commission's determinations "[o]n matters of witness credibility and resolution of conflicting evidence." *Willcut v. Div. of Emp. Sec.*, 193 S.W.3d 410, 412 (Mo. App. E.D. 2006). However, whether the employee's reason for leaving work amounts to "good cause" attributable to such work or employment "is a legal issue on which we do not defer to the Commission's determination." *Mussa*, 649 S.W.3d at 321.

Under § 288.050.1(1), Nelson cannot receive the benefits he seeks if he "has left work voluntarily without good cause attributable to such work or to [his] employer." As the employee, Nelson has the burden of proving that he is qualified to receive benefits. *Id.* at 320. Nelson attacks the Commission's decision on multiple bases: (1) that he did not leave work voluntarily because he asked for time to consider whether he wanted to quit; (2) that he had good cause because his reasons for being upset were reasonable; and (3) that his reasons were attributable to his employer because Supervisor was involved in his wife's loss of employment in a related but separate company. Although the Commission's order mainly addresses the "reasonableness" requirement, our review of the record shows insufficient support for any of the three bases.

Nelson did leave his job voluntarily. The Commission found as a factual matter that Nelson told Supervisor he was quitting, and, although he later attempted to rescind that statement, Supervisor refused. Supervisor testified that Denovo had already accepted Nelson's resignation when he "backtracked" and attempted to rescind. An employee's attempt to rescind his resignation is effective only if made before the employer has accepted the resignation. *Miller*, 186 S.W.3d at 806. In *Miller*, the claimant resigned and gave her employer a 2-week notice, but when she asked to rescind one week later while still employed, the employer refused. *Id.* at 804. The *Miller* court affirmed the Commission's decision that the claimant voluntarily quit work and that her attempted rescission came too late because her resignation had been accepted. *Id.* at 807; *see also Theus v. Indus. Comm'n*, 554 S.W.2d 516, 518 (Mo. App. 1977) (employee who agreed to continue working on the condition that she receive a promised pay raise had

voluntarily quit her job as of the date of her original resignation because her resignation was never "unconditionally withdrawn"). Here, although Nelson attempted to rescind his resignation within minutes after it was given, we find no Missouri law limiting the employer's ability to immediately accept the resignation. Thus, we find sufficient competent evidence in the record to support the Commission's determination that Nelson voluntarily chose to quit his job despite attempting to rescind his decision in the same phone conversation.

Neither did Nelson leave his job for "good cause" attributable to Denovo. "Good cause" is "an objective measure" requiring proof of two elements: "reasonableness and good faith." *Garland v. Div. of Emp. Sec.*, 684 S.W.3d 740, 746 (Mo. App. E.D. 2024); *Cooper v. Hy-Vee, Inc.*, 31 S.W.3d 497, 503 (Mo. App. W.D. 2000). To act in good faith requires that the employee's conduct be "consistent with a genuine desire to work." *Hessler v. Lab. & Indus. Rels. Comm'n*, 851 S.W.2d 516, 518 (Mo. banc 1993) (quoting *Belle State Bank v. Indus. Comm'n*, 547 SW.2d 841, 846 (Mo. App. 1977)). An employee acts reasonably in choosing to quit work if his concerns are "so compelling" that they would motivate the "average, able-bodied, qualified, and reasonable person in a similar situation to leave the employment rather than continue working." *Garland*, 684 S.W.3d at 746 (citations omitted). The standard applies to the "average" person, not one who is "supersensitive." *Tin Man Enters., Inc. v. Lab. & Indus. Rels. Comm'n*, 866 S.W.2d 147, 149 (Mo. App. E.D. 1993) (citing *Rothschild v. Lab. & Indus. Rels. Comm'n*, 728 S.W.2d 720, 721 (Mo. App. E.D. 1987)). Examples of reasonable choices to quit work include "a substantial change in wages or working conditions," *Cooper*, 31

S.W.3d at 504; verbal abuse, *Partee v. Winco Mfg., Inc.*, 141 SW.3d 34, 38 (Mo. E.D. 2004); and chronic "unfair or arbitrary treatment," *Rodriguez v. Osco Drug*, 166 S.W.3d 138, 142 (Mo. App. W.D. 2005) (where employee was routinely denied workplace concessions freely allowed to others, such as attending to personal matters while on the job or flaunting workplace attendance and timeliness policies). While we understand, as did the Commission, that Nelson was upset and concerned about his wife's condition and the loss of her job, a reasonable person with a genuine desire to continue working for the employer would not act as Nelson did. His concerns for his wife and her employment do not provide objectively reasonable grounds for quitting his own job.

"Good cause" must also be "attributable to" either the employee's work or his employer. § 288.050.1(1). The "attributable to" language means that either the work or the employer "create[d] the condition" that made it unreasonable for the employee to continue working. *Menley v. JJF & C, LLC*, 637 S.W.3d 687, 690 (Mo. App. E.D. 2021) (citations omitted). The actions of a supervisor, as an agent of the employer, can satisfy the "attributable to the employer" standard. *Rodriguez*, 166 S.W.3d at 142 (finding that a supervisor's arbitrary treatment of an employee may provide good cause for quitting work). And, separate entities can be considered a single "employer" *if* there is sufficient common control over both. *Div. of Emp. Sec. v. Lab. & Indus. Rels. Comm'n*, 878 S.W.2d 490, 493 (Mo. App. W.D. 1994) (holding Commerce Bancshares was the "employer" of a Commerce Brokerage employee because Commerce Bancshares managed all the operations of Commerce Brokerage, its wholly owned subsidiary). But it is the "substantial *unification* of control," not simply a unity of ownership, that

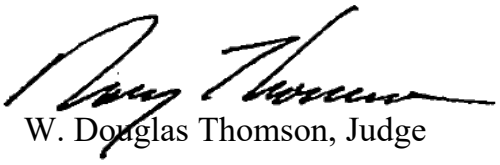
determines whether an entity is an "employer." *Div. of Emp. Sec. v. Indus. Comm'n*, 291 S.W.2d 184, 189 (Mo. App. 1956) (emphasis in original).

Here, the record does not provide evidence of any "unification of control" by Denovo over the operation of the entity for whom Nelson's wife worked. Further, Missouri law provides no basis for holding that another employer's actions can form the basis of good cause attributable to a claimant's employer. Moreover, as the Commission found, Nelson's cause for quitting work was attributable to his personal concerns about his wife's condition and the way her employment with a separate company was terminated, not his own work. Although Supervisor may have been involved in his wife's loss of employment, nothing about Nelson's job or Denovo created his concerns.

Point I is denied.

Conclusion

The Commission's decision is affirmed.



W. Douglas Thomson, Judge

All concur.