MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DALE GOOD, Appellant,
v.
MISSOURI DEPARTMENT OF CORRECTIONS, Respondent.

Docket Number WD88347

Date: November 17, 2026

Appeal From:

Jackson County Circuit Court
The Honorable Lauren Barrett, Judge

Appellate Judges:

Division Four: Edward R. Ardini, Jr., Chief Judge, Presiding, Lisa White Hardwick, Judge, and Gary D. Witt, Judge

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Attorneys:

Martin Meyers, Eric Meyers, Kansas City, MO, for appellant.

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MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT

DALE GOOD, Appellant,
v.
MISSOURI DEPARTMENT OF CORRECTIONS, Respondent.

WD88347 Jackson County

Before Division Four: Edward R. Ardini, Jr., Chief Judge, Presiding, Lisa White Hardwick, Judge, and Gary D. Witt, Judge

Good filed a petition against his employer, the Missouri Department of Corrections, for age discrimination and retaliation, and the matter proceeded to jury trial. Good began working for his employer in 1991 and was promoted several times, ending up a District Administrator over a large district. In August 2022, Good testified for the plaintiff in a discrimination case brought against his employer by an employee who was awarded $500,000 by a jury. In November 2022, Good was given the option by his employer to retire or be terminated. Good retired at the end of December 2022; he was over 60 years old. The jury found in favor of the employer on Good's claims for age discrimination and retaliation.

AFFIRMED.

Division Four holds:

Several handwritten notes regarding meetings between Good and his supervisor about issues with his performance as an employee were admitted into evidence. The employer conceded at oral argument that these notes were hearsay. These notes were cumulative to a substantial amount of similar evidence presented at trial, both Good and the supervisor testified during trial alleviating any concerns about hearsay, and witnesses were appropriately examined and cross-examined about Good's performance as an employee. Good was not prejudiced by the admission of the notes.

A claim of bolstering is not preserved on appeal when the objection at trial was solely based on hearsay. It is inappropriate to assign error to a lower court for issues that were never raised in the lower court, and plain error is rarely granted in civil cases. Good failed to persuade this Court to review Good's claim of bolstering for plain error.

The trial court did not err in instructing the jury on the claim of age discrimination and the claim of retaliation separately instead of in a combined verdict instructing instruction for both claims. The same nine jurors found in favor of the employer on the

separate claims for age discrimination and retaliation and, presumably, would have done so if the instructions had been combined. The instructions given followed substantive law and did not misdirect, mislead, or confuse the jury.

Opinion by: Gary D. Witt, Judge November 17, 2026

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