

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

DONALD CLAY, JR.,)	No. ED103355
)	
Appellant,)	Appeal from the Labor and Industrial
)	Relations Commission
vs.)	15-08204 R-A
)	
FEHLIG BROTHERS BOX & LUMBER)	
COMPANY AND DIVISION OF)	
EMPLOYMENT SECURITY,)	
)	Filed: April 5, 2016
Respondents.)	

Donald Clay, Jr. appeals from the Labor and Industrial Relations Commission’s determination that he was disqualified from receiving unemployment benefits because he committed misconduct in connection with his employment at Fehlig Brothers Box & Lumber. Clay contends that the Commission erred because it improperly placed the burden on him to prove that he did not commit misconduct.

AFFIRMED.

DIVISION THREE HOLDS: The Commission did not err because it did not place the burden on Clay to prove that he did not commit misconduct, and because its decision was supported by competent and substantial evidence upon the whole record.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., and Lawrence E. Mooney, J., concur

Attorney for Appellant: Donald Clay, Jr., Acting Pro Se

Attorney for Respondent: Larry R. Ruhmann
Fehlig Brothers Box & Lumber Co., Acting Pro Se

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.