



**In the Missouri Court of Appeals
Eastern District**

DIVISION TWO

TIMOTHY SCHWARTZ,) No. ED90774
)
 Respondent,) Appeal from the Circuit Court of
) the City of St. Louis
vs.)
) Honorable John F. Garvey, Jr.
CITY OF ST. LOUIS, MISSOURI, et al.,)
)
 Appellants.) FILED: November 25, 2008

OPINION SUMMARY

The City of St. Louis and its Civil Service Commission appeal the judgment of the Circuit Court of the City of St. Louis, which reversed the Commission's decision to uphold Timothy Schwartz's demotion for acting in an inappropriate and abusive manner toward a subordinate.

AFFIRMED AS MODIFIED AND REMANDED WITH DIRECTIONS

DIVISION TWO HOLDS: (1) The Commission's decision was made upon unlawful procedure and without a fair hearing in violation of section 536.140.2(5) RSMo. (2000 & Supp. 2007). The City's general notice to Schwartz was inadequate because it failed to provide specific details of the allegations against Schwartz, thus depriving him of the right to be heard at a meaningful time and in a meaningful manner.

(2) The Commission's unenlightening and conclusory findings would deprive this Court of the ability to conduct a meaningful review of the Commission's decision.

We affirm the circuit court's judgment reversing the Commission's decision. We remand with directions to order the Commission to reinstate Schwartz as electrician foreman, effective August 21, 2005, and to determine the amount of back pay that Schwartz lost as a result of his wrongful demotion from that date, together with pre-judgment interest as provided by law.¹

Opinion By: Lawrence E. Mooney, J. Roy L. Richter, P.J. and George W. Draper III, J. concur

¹ The circuit court's judgment reinstated Schwartz to his former position retroactively to June 26, 2005. The date of Schwartz's demotion, however, was actually August 21, 2005. Therefore, we modify the circuit court's judgment in this one respect.