



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

NEDZIB KORKUTOVIC,)	No. ED91420
)	
Respondent,)	
)	
vs.)	
)	
GAMEL COMPANY,)	
)	Appeal from the Labor and
Appellant,)	Industrial Relations Commission
)	08-00613 R-A
and)	
)	
DIVISION OF EMPLOYMENT)	
SECURITY,)	
)	
Respondent.)	Filed: March 10, 2009

OPINION SUMMARY

Gamel Company ("Employer") appeals the decision of the Labor and Industrial Relations Commission awarding Nedzib Korkutovic ("Claimant") unemployment benefits. Claimant became unemployed because documented medical restrictions did not allow him to perform his job. The Commission concluded that: (1) Claimant did not leave his job voluntarily but was discharged by Employer; and (2) Employer failed to satisfy its burden of proving that Claimant was discharged for misconduct connected with work.

AFFIRMED.

Division One holds:

The Commission's decision is supported by competent substantial evidence and is authorized by law. First, pursuant to *Difatta-Wheaton v. Dolphin Capital Corporation*, 271 S.W.3d 594 (Mo. banc 2008) and the law contained therein, Claimant left work involuntarily and, therefore, is not disqualified from receiving unemployment benefits under section

