



In the Missouri Court of Appeals Eastern District

DIVISION FIVE

GARY MILNER,)	No. ED92038
)	
Claimant/Appellant,)	
)	
vs.)	Appeal from the Labor and
)	Industrial Relations Commission
KUESEL EXCAVATING COMPANY and)	
DIVISION OF EMPLOYMENT SECURITY,)	
)	
Respondents.)	
)	FILED: December 9, 2008

OPINION SUMMARY

Gary Milner appeals the Labor and Industrial Relations Commission's decision affirming the denial of unemployment benefits.

APPEAL DISMISSED.

Division Five holds: This Court lacks jurisdiction to consider the appeal where the notice of appeal to this Court was untimely and there is no mechanism for a late notice of appeal.

Opinion by: Nannette A. Baker, C.J. Patricia L. Cohen, J., and Kenneth M. Romines, J., concur.