

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

TAMARA VENZ, Appellant,)	No. ED94479
)	
vs.)	Appeal from the Labor and
)	Industrial Relations Commission
CONVERGYS CUSTOMER)	
MANAGEMENT GROUP and DIVISION)	
OF EMPLOYMENT SECURITY,)	Filed:
Respondents.)	November 23, 2010

Tamara Venz (“Claimant”) appeals the decision of the Labor and Industrial Relations Commission (“the Commission”) denying her unemployment benefits after she was terminated from Convergys Customer Management Group. Claimant argues the Commission erred in concluding that she committed misconduct because the Commission’s decision (1) was contrary to the law in that it impermissibly put the burden on Claimant to prove her absences were not willful, and (2) was not supported by competent and substantial evidence that Claimant committed misconduct pursuant to Section 288.210, RSMo 2000.

REVERSED.

Division Four holds: The Commission erred in concluding that Claimant committed misconduct because the Commission’s decision was contrary to the law in that it impermissibly put the burden on Claimant to prove her absences were not willful. Further, the Commission’s decision was not supported by competent and substantial evidence.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P. J. and Nannette A. Baker, J., concur.

Attorney for Appellant: John J. Ammann

Attorney for Respondent Convergys Customer
Management Group, Inc.: Respondent Acting Pro Se

Attorney for Respondent Division of Employment
Security: Jeannie D. Mitchell

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.