

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

MICHAEL WELSH, Appellant,	)	No. ED96785
	)	
vs.	)	Appeal from the Labor and
	)	Industrial Relations Commission
MENTOR MANAGEMENT, INC., and	)	
DIVISION OF EMPLOYMENT	)	Filed:
SECURITY, Respondents.	)	January 24, 2012

Michael Welsh (“Claimant”) appeals the decision of the Labor and Industrial Relations Commission (“the Commission”) finding claimant was disqualified from unemployment benefits. The Commission determined that claimant was terminated for misconduct connected with work within the meaning of Section 288.050.2, RSMo Cum. Supp. 2010. Claimant argues the Commission’s determination that Claimant committed misconduct connected with work was not supported by sufficient competent evidence.

REVERSED AND REMANDED.

Division III holds: Claimant’s conduct may have been sufficient to discharge Claimant from employment, but it does not rise to the level of willful or deliberate conduct sufficient to deny him unemployment benefits. Thus, the Commission’s decision finding Claimant committed misconduct connected with work is not supported by sufficient competent evidence.

Opinion by: Robert G. Dowd, Jr., P.J.  
Mary K. Hoff, J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant:

Brian B. Bendick

Attorneys for Respondents:

Arthur J. Neuhedel and  
Shelly A. Kintzel

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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