

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

EDWARD TURNER, Appellant,) No. ED98665
)
vs.) Appeal from the Labor and
) Industrial Relations Commission
MITCH MURCH'S MAINTENANCE)
MANAGEMENT CO. and DIVISION OF) Filed: March 26, 2013
EMPLOYMENT SECURITY, Respondents.)

Edward Turner ("Claimant") appeals from a decision of the Labor and Industrial Relations Commission ("the Commission") denying him unemployment benefits. Claimant argues the Commission erred in concluding he voluntarily quit his job by not calling in or showing up to work after June 25, 2010.

REVERSED AND REMANDED.

Division Three holds: The Commission erred in finding that Claimant voluntarily left his employment on June 25, 2010. The error is in large part due to the Commission's failure to give proper weight to the employer's documentation, specifically the June 15, 2010 Employee Record Notification that documented Claimant's termination. While Claimant did not receive the Employee Record Notification until after he filed his unemployment claim, actual knowledge of termination is not a statutory requirement to receive unemployment benefits.

Claimant continued to report his absences and seek verification of his employment status for ten days after his June 15, 2010 termination. Therefore, the Commission's facts can only support the conclusion that Claimant did not voluntarily leave his employment. The case is remanded for an award in accordance with this opinion.

Opinion by: Robert G. Dowd, Jr., P.J.
Angela T. Quigless, J., concurs.
Roy L. Richter, J., dissents in separate
dissenting opinion.

Attorney for Appellant: John J. Ammann

Attorney for Respondent: Robert A. Bedell for Div. of Employment Security
Mitch Murch's Maintenance Mgmt. Acting Pro Se

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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