

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOSEPH RENDA, Appellant,)	No. ED99205
)	
vs.)	Appeal from the Labor and
)	Industrial Relations Commission
EASTERN METAL SUPPLY OF)	
MISSOURI, INC. and DIVISION)	
OF EMPLOYMENT SECURITY,)	Filed:
Respondents.)	September 17, 2013

Claimant appeals from a decision of the Labor and Industrial Relations Commission denying him unemployment benefits. Claimant argues the Commission erred in concluding he voluntarily quit his job after losing his commercial driver's license due to a DWI arrest and further erred in not concluding that Claimant was discharged for a reason other than misconduct.

REVERSED AND REMANDED.

Division Two holds: Voluntary quit is reserved for those cases where an employee voluntarily leaves his employment. Because Claimant secured temporary driving privileges and was willing to accept a cut in pay and hours to be transferred to a position where a commercial driver's license was not required, his actions indicate he wanted to continue working. Therefore, his termination should not be considered a voluntary quit.

Because the Commission did not address the issue of misconduct, the court does not address that issue and the cause is remanded.

Opinion by: Robert G. Dowd, Jr., J
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: John J. Ammann

Attorney for Respondents: Eastern Metal Supply of Missouri,
Inc., Acting Pro Se

Sara H. Harrison, Division of
Employment Security

**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.**