

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DANIN GRAY, Appellant,	)	No. ED99858
	)	
vs.	)	Appeal from the Labor and Industrial
	)	Relations Commission
DIVISION OF EMPLOYMENT	)	
SECURITY, Respondent.	)	Filed: February 25, 2014

Danin Gray (“Claimant”) appeals from the decision of the Labor and Industrial Relations Commission (“the Commission”) finding she willfully failed to report earnings while claiming unemployment benefits. Claimant argues the Commission erred in finding she committed fraud because Claimant unknowingly failed to report her part-time income in that she did not realize there was an unemployment policy requiring her to report such income. Claimant also argues she was improperly assessed the one hundred percent penalty under Section 288.380.9(1), RSMo 2000, because of her prior fraudulent overpayment.

**AFFIRMED.**

Division Two holds: The Commission did not err in concluding Claimant’s actions were not reasonable under the circumstances. The Commission did not err in assessing the one hundred percent penalty because of Claimant’s prior fraudulent overpayment.

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

Attorney for Appellant:	Danin Gray Acting Pro Se
Attorney for Respondent:	Sara H. Harrison

**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.**