

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE:**

**KENNETH ROBINSON, APPELLANT,**

**v.**

**HY-VEE INC., DEFENDANT; DIVISION OF EMPLOYMENT SECURITY,  
RESPONDENT.**

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DOCKET NUMBER WD69396

DATE: November 25, 2008

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Appeal From:  
LABOR AND INDUSTRIAL RELATIONS

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Appellate Judges:  
Division Two: Joseph P. Dandurand, P.J., Harold L. Lowenstein and James M. Smart, JJ.

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Attorneys:  
Samuel I. McHenry, Esq., Kansas City, MO, **for appellant.**

Shelly A. Kintzel, Esq., Jefferson City, MO, **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY  
COURT OF APPEALS – WESTERN DISTRICT

KENNETH ROBINSON,

APPELLANT,

V.

DIVISION OF EMPLOYMENT SECURITY,

RESPONDENT.

WD69396

Labor and Industrial Relations

Before Division Two Judges: Joseph P. Dandurand, P.J., Harold L. Lowenstein and James M. Smart, JJ.

Kenneth Robinson appeals the order of the Labor and Industrial Relations Commission affirming the Appeals Tribunal's determination that he was ineligible for unemployment benefits. On appeal, Robinson argues that the Commission erred in affirming the Appeals Tribunal's decision that Robinson voluntarily left his employment.

**Affirmed.**

**Division Two holds:**

A telephone hearing was set in which the Appeals Tribunal would hear from both Robinson and his former employer, Hy-Vee. Both Robinson and Hy-Vee were notified of the hearing. The hearing notice stated that if a party is unavailable for the hearing, the Appeals Tribunal may make a decision without that party's evidence. Robinson failed to appear for the hearing, and the Appeals Tribunal conducted the hearing without him. It determined that Robinson voluntarily left his employment, without good cause, by not showing up for work on September 5, 6, and 10, 2007. There was substantial and competent evidence from which the Commission could affirm the Appeals Tribunal's decision. The point is denied, and the order is affirmed.

**Opinion by: Joseph P. Dandurand, Judge**

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