

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**SHANNA HARRIS,
APPELLANT**

vs.

**DIVISION OF EMPLOYMENT SECURITY,
RESPONDENT**

DOCKET NUMBER WD73059

DATE: OCTOBER 4, 2011

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Attorneys:

Mikah K. Thompson, for Appellant

Jeannie Mitchell, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

SHANNA HARRIS, APPELLANT

v.

DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

WD73059

Labor and Industrial Relations Commission

Before Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Shanna Harris filed a claim for unemployment benefits after her employer replaced her following the expiration of her medical leave. Harris did not return to work after her medical leave expired because her doctor failed to submit the proper paperwork to her employer. The Labor and Industrial Relations Commission found that Harris's separation from work was voluntary because there was work available if she had reported to work. Therefore, the Commission determined that Harris was disqualified from receiving benefits. Harris appeals.

REVERSED.

Division Three holds:

The record shows that at the expiration of Harris's medical leave, her doctor's office submitted incomplete paperwork to her employer. After a human resources employee informed Harris of the problem, Harris made repeated attempts to obtain the proper paperwork from her doctor. By the time it became evident that the doctor's office still had not corrected the paperwork, Harris learned that her employer had replaced her. Harris's supervisor called her and told her to remove her belongings from her work locker. Harris's actions showed that she had a desire to keep her job and she conscientiously sought to retain it. When the doctor's office did not provide her employer with updated paperwork, her employer chose to replace her. Therefore, the record demonstrates that Harris was discharged and did not voluntarily leave work. Moreover, where there was no evidence to indicate that Harris's failure to provide the proper paperwork was intentional or negligent in such a degree as to manifest culpability, Harris was not discharged for misconduct. Therefore, the decision of the Commission is reversed.

Opinion by: Victor C. Howard, Judge

Date: October 4, 2011

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