

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**EDMONDS DENTAL COMPANY,
APPELLANT
vs.**

**ELBERT KEENER, III,
RESPONDENT**

**DIVISION OF EMPLOYMENT SECURITY,
RESPONDENT**

DOCKET NUMBER WD75545

DATE: MAY 21, 2013

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Four: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Peggy Stevens McGraw, Special Judge

Attorneys:

Richard L. Rollings, Jr., for Appellant

Bart A. Matanic, for Respondent Division of Employment Security

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

EDMONDS DENTAL COMPANY, INC, APPELLANT

v.

ELBERT KEENER, III, RESPONDENT

DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

WD75545

Labor and Industrial Relations

Before Division Four: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Peggy Stevens McGraw, Special Judge

Edmonds Dental Company, Inc. appeals the judgment of the Labor and Industrial Relations Commission that Elbert Keener was not disqualified for unemployment benefits due to his discharge, which it found was not for misconduct connected with work. Edmonds Dental Company, Inc. challenges the Commission's determination, arguing that Elbert Keener was jointly employed by two related companies, Edmonds Dental Prosthetics, Inc. and Edmonds Dental Company, Inc., and his conscious and deliberate violation of company policies of Edmonds Dental Prosthetics, Inc. constituted misconduct with regard to both companies.

REVERSED AND REMANDED.

Division Four holds: That the Commission failed to make adequate findings of fact for appellate review, because it did not set forth subsidiary factual findings relevant to the controlling legal conclusion that Edmonds Dental Company, Inc. and Edmonds Dental Prosthetics, Inc. are different employers.

Opinion by: Victor C. Howard, Judge

Date: May 21, 2013

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