

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

RANDOLPH DRAKE,

Appellant,

v.

THOMAS E. LENGEL and DIVISION OF EMPLOYMENT SECURITY,

Respondents.

DOCKET NUMBER WD75935

Date: July 16, 2013

Appeal from:
LABOR AND INDUSTRIAL RELATIONS COMMISSION

Appellate Judges:
Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and Cynthia L. Martin, Judges

Attorneys:
Randolph Drake, St. Joseph, Appellant Pro Se, for appellant.
Bart A. Matanic, Jefferson City for State of MO; Thomas E. Lengel, St. Joseph, Respondent Pro Se, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

RANDOLPH DRAKE

Appellant,

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WD75935

LABOR AND INDUSTRIAL RELATIONS COMMISSION

Before Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and
Cynthia L. Martin, Judges

Randolph Drake appeals from the order of the Labor and Industrial Relations Commission finding that he is not eligible for unemployment benefits because he voluntarily quit his employment without good cause attributable to his work or his employer. Drake contends the Commission erred in disqualifying him from unemployment benefits because a reduction in his work hours constituted good cause for voluntarily terminating his employment.

AFFIRMED.

Division Three holds:

There was substantial and competent evidence to support the Commission's finding that Drake left work without good cause attributable to his work or employer. Drake continued to work for his employer for over a year after his work hours were reduced and, therefore, the reduction in hours did not constitute a good faith reason for

terminating his employment. Good cause also did not exist because Drake gave up his partial employment for none at all. Rather than terminating his employment altogether, Drake could have supplemented his reduced earnings with partial unemployment benefits, while at the same time utilizing the time he gained from the reduction in his hours to seek other employment. Accordingly, we affirm the Commission's order.

Opinion by: Lisa White Hardwick, Judge

July 16, 2013

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