

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

JAMES R. MARTIN,

Appellant

v.

DIVISION OF EMPLOYMENT SECURITY.

Respondent

DOCKET NUMBER WD77207

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: January 20, 2015

Appeal From:

LABOR AND INDUSTRIAL RELATIONS COMMISSION

Appellate Judges:

Division Four

Alok Ahuja, C.J. Presiding, James Edward Welsh, J., and Tracey Mason-White, Sp.J.

Attorneys:

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Counsel for Appellant

Attorneys:

Sara Harrison, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**JAMES R. MARTIN, Appellant, v. DIVISION OF
EMPLOYMENT SECURITY, Respondent**

WD77207

Labor and Industrial Relations

Before Division Four Judges: Ahuja, C.J. Presiding, Welsh, and Mason-White, Sp. J.

James R. Martin appeals from the Labor and Industrial Relations Commission's determination that he is ineligible for unemployment benefits because he voluntarily quit his employment with Swift Transportation of Arizona without good cause attributable to his work or his employer. Martin contends that the record establishes that he had good cause for quitting his job and that the factual findings of the Commission are not supported by substantial and competent evidence. He also asserts that the Commission erred in denying unemployment compensation to him on the basis that he failed to provide expert testimony establishing that his headaches and eye strain were the result of the LED lights installed at his workplace.

Affirmed

Division Four holds:

The Commission did not err in finding that, because Martin failed to produce medical evidence, Martin failed to meet his burden of establishing that he had good cause for voluntarily quitting his employment with Swift Transportation. The causation of Martin's headaches and eye strain is not within common knowledge and experience so as to dispense with the necessity for some medical evidence.

Opinion by James Edward Welsh, Judge

January 20, 2015

Dissenting Opinion:

The author dissents, and would remand the case to the Commission for further proceedings. Contrary to the majority, the author would find that expert testimony concerning the causal connection between Martin's working conditions and his headaches and eye strain was unnecessary, because this is a matter within lay understanding, and because the sudden onset of Martin's symptoms would justify a finding of a causal connection. The author also believes the issue in this unemployment compensation case is whether Martin reasonably believed his workplace was causing his symptoms, whether or not that was actually the case. Finally, the author would also reject the Commission's alternative conclusion that Martin failed to engage in good-faith efforts to resolve the issue before quitting his employment.

Dissenting Opinion by Alok Ahuja, Chief Judge

January 20, 2015

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