

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

MARY REED,

Appellant,

v.

DIVISION OF EMPLOYMENT SECURITY,

Respondent.

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**DOCKET NUMBER WD78096**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** September 1, 2015

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**APPEAL FROM**

The Labor and Industrial Relations Commission

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**JUDGES**

Division II: Newton, P.J., and Howard and Pfeiffer, JJ.

CONCURRING.

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**ATTORNEYS**

Mary L. Reed  
Raymore, MO

Appellant, *pro se*,

Larry R. Ruhmann  
Jefferson City, MO

Attorney for Respondent.

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

MARY REED, )  
)  
) **Appellant,** )  
)  
v. )  
)  
DIVISION OF EMPLOYMENT )  
SECURITY, )  
)  
) **Respondent.** )

**OPINION FILED:  
September 1, 2015**

**WD78096** **Labor and Industrial Relations Commission**

**Before Division II Judges:** Thomas H. Newton, Presiding Judge, and Victor C. Howard and Mark D. Pfeiffer, Judges

Mary Reed appeals the ruling of the Labor and Industrial Relations Commission denying her application for unemployment benefits. On appeal, Reed claims that the Commission erred in finding that she was not available for work, and thus ineligible for benefits, because she was seeking only part-time work.

**REVERSED AND REMANDED WITH DIRECTIONS.**

**Division II holds:**

Although the claimant in this case sought a position with flexibility in her hours so that she could help care for her elderly parents, she had occupied such a position before the period for which she sought benefits, and she had accepted another such position by the time of her hearing before the appeals tribunal, so such positions were available in her field. Also, although the claimant sought a position that might be fewer than forty hours per week, she did not have fixed periods of time during the work week when she was unavailable to a potential employer. Considering this claimant’s individual circumstances, the claimant has shown that she was available for work, and it was erroneous for the Commission to have determined otherwise.

**Opinion by: Mark D. Pfeiffer, Judge** **September 1, 2015**

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.