



# In the Missouri Court of Appeals Eastern District

## DIVISION FIVE

KARMANN CHRISTNER,	)	No. ED102076
	)	
Claimant/Appellant,	)	
	)	
vs.	)	Appeal from the Labor and
	)	Industrial Relations Commission
WAL-MART ASSOCIATES, INC. and	)	
DIVISION OF EMPLOYMENT SECURITY,	)	
	)	Filed: December 23, 2014
Respondents.	)	


Claimant, Karmann Christner, has filed a notice of appeal from the Labor and Industrial Relations Commission's (Commission) decision concerning his claim for unemployment benefits. We dismiss the appeal.

A deputy of the Division of Employment Security (Division) concluded that Claimant was disqualified from receiving unemployment benefits. Claimant appealed to the Appeals Tribunal of the Division, which dismissed her appeal. She then filed an application for review with the Commission, which affirmed the order of the Appeals Tribunal. The Commission mailed its decision to Claimant on August 14, 2014. Claimant filed a notice of appeal to this Court.

This Court issued an order directing Claimant to show cause why his appeal should not be dismissed as untimely. Claimant has not filed a response to the order.

The notice of appeal to this court was not filed within the time limits set forth in section 288.210, RSMo 2000, which provides: “Within twenty days after a decision of the commission has become final, the director or any party aggrieved by such decision may appeal the decision to the appellate court . . . .” The Commission’s decision becomes final ten days after it is mailed to the parties. Section 288.200.2, RSMo 2000. Here, the Secretary to the Commission certified she mailed its decision to Claimant on August 14, 2014. Under Chapter 288, Claimant’s notice of appeal to this Court was due on or before Monday, September 15, 2014. Sections 288.200.2, 288.210, 288.240, RSMo 2000. Claimant sent the notice of appeal by facsimile to the Commission on September 24, 2014. Thus, the notice of appeal is untimely.

The unemployment statutes fail to provide a procedure for filing a late notice of appeal. Ross v. Division of Employment Sec., 332 S.W.3d 922 (Mo. App. E.D. 2011). While there are procedures for filing a late notice of appeal in other civil matters, such procedures do not apply to special statutory proceedings, such as unemployment matters under Chapter 288. Heffner v. Division of Employment Sec., 345 S.W.3d 393, 394 (Mo. App. E.D. 2011). Therefore, this court’s only option is to dismiss Claimant’s appeal. The appeal is dismissed.

  
ANGELA T. QUIGLESS, CHIEF JUDGE

LISA VAN AMBURG, J. and  
PHILIP M. HESS, J., Concur.