

**AGENCY FOR WORKFORCE INNOVATION
Unemployment Compensation Appeals
MSC 345 CALDWELL BUILDING
107 EAST MADISON STREET
TALLAHASSEE, FL 32399-4143**

PETITIONER:

Employer Account No. - 2436942
BEN MILLER & ASSOCIATES LLC
ATTN: LAUREY MILLER
2173 MESIC HAMMOCK WAY
VENICE FL 34292-4152

**PROTEST OF LIABILITY
DOCKET NO. 2010-153394L**

RESPONDENT:

State of Florida
AGENCY FOR WORKFORCE INNOVATION
c/o Department of Revenue

ORDER TO SHOW CAUSE

The Petitioner is directed to show cause why the Director should not dismiss the petition for lack of jurisdiction pursuant to Section 443.141(2)(c), Florida Statutes, and Rules 60BB-2.035(5) and 60BB-2.022(5), Florida Administrative Code.

The Petitioner is directed to file a written statement within fifteen (15) calendar days of the mailing date of this Order, explaining why the protest should not be dismissed for lack of jurisdiction. The statement should specifically address whether the protest was filed within the time allowed by law.

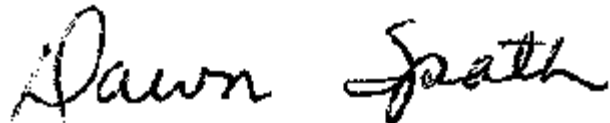
The following documents are attached for consideration by the Petitioner:

1. Letter of determination dated September 21, 2010,
2. Letter of protest dated September 8, 2010, and
3. Envelope in which the letter of protest was received postmarked October 12, 2010.

Done and ordered on November 19, 2010 at TALLAHASSEE, FL.

This is to certify that this *Order to Show Cause* was sent to the last known address of each interested party on or before November 19, 2010.

John Pelham, Appeals Manager
Unemployment Compensation Appeals



DAWN SPATH, Special Deputy Clerk

FAX: (850) 921-3594

Copies mailed to:

Petitioner

Respondent: DOR Protest Coordinator
Wage Determination Unit

WILLIAM LEVAN
1093 STRATTON AVE
SPRING HILL FL 34609

DEPARTMENT OF REVENUE
ATTN: DENNIS FINKEY - CCOC 1-1400
5050 WEST TENNESSEE STREET
TALLAHASSEE FL 32399

DOR BLOCKED CLAIMS UNIT
ATTENTION MYRA TAYLOR
P O BOX 6417
TALLAHASSEE FL 32314-6417

**AGENCY FOR WORKFORCE INNOVATION
TALLAHASSEE, FLORIDA**

PETITIONER:

Employer Account No. - 2436942
BEN MILLER & ASSOCIATES LLC
ATTN: LAUREY MILLER
2173 MESIC HAMMOCK WAY
VENICE FL 34292-4152

**PROTEST OF LIABILITY
DOCKET NO. 2010-153394L**

RESPONDENT:

State of Florida
AGENCY FOR WORKFORCE INNOVATION
c/o Department of Revenue

ORDER

This matter comes before me for final Agency Order.

An *Order to Show Cause* mailed to the Petitioner on November 19, 2010, provided fifteen (15) calendar days for the Petitioner to explain why its protest filed October 12, 2010, should be considered a timely appeal to the determination dated September 21, 2010. The Petitioner submitted a written response to the *Order to Show Cause* on December 1, 2010. Rule 60BB-2.035(5) of the Florida Administrative Code requires that a protest be dismissed if the Petitioner does not provide written evidence that the protest is timely within 15 days of the issuance of the *Order to Show Cause*. Since the Petitioner's response did not provide written evidence that the protest was timely filed, the Petitioner's protest is dismissed pursuant to Rule 60BB-2.035(5), Florida Administrative Code.

In consideration thereof, it is ORDERED that the Petitioner's protest of the determination dated September 21, 2010, is dismissed due to lack of jurisdiction.

DONE and ORDERED at Tallahassee, Florida, this _____ day of **January, 2011**.



TOM CLENDENNING
Assistant Director
AGENCY FOR WORKFORCE INNOVATION