

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

**PETITIONER:**

Employer Account No. - 2985751  
RUSS MCCABE D/B/A MCCABE'S  
TRANSPORT  
ATTN: RUSS MCCABE  
13252 76TH ROAD N  
WEST PALM BEACH FL 33412

**PROTEST OF LIABILITY  
DOCKET NO. 2010-162692L**

**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.

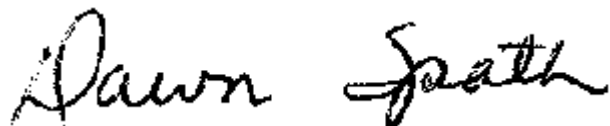
The following documents are attached for consideration by the Petitioner:

1. Letter of determination dated October 18, 2010, and
2. Letter of protest dated/postmarked November 15, 2010.

Done and ordered on December 14, 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 December 14, 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

MICHAEL SCHADE  
4485 REDDING ROAD  
BOYNTON BEACH FL 33436

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**

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**ORDER**

This matter comes before me for final Agency Order.

An *Order to Show Cause* mailed to the Petitioner on December 14, 2010, provided fifteen (15) calendar days for the Petitioner to explain why its protest filed November 15, 2010, should be considered a timely appeal to the determination dated October 18, 2010. Since no evidence of timely filing was received, 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 October 18, 2010, is dismissed due to lack of jurisdiction.

DONE and ORDERED at Tallahassee, Florida, this \_\_\_\_ day of **February, 2011**.



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TOM CLENDENNING  
Assistant Director  
AGENCY FOR WORKFORCE INNOVATION