

STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellee

R.A.A.C. Order No. 14-03908

vs.

Referee Decision No. 0022255384-02U

Employer/Appellant

ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

This case comes before the Commission for disposition of the employer's appeal pursuant to Section 443.151(4)(c), Florida Statutes, of a referee's decision which held the claimant not disqualified from receipt of benefits and charged the employer's account.

Pursuant to the appeal filed in this case, the Reemployment Assistance Appeals Commission has conducted a complete review of the evidentiary hearing record and decision of the appeals referee. *See* §443.151(4)(c), Fla. Stat. By law, the Commission's review is limited to those matters that were presented to the referee and are contained in the official record.

The issues before the Commission are whether the claimant was discharged by the employer for misconduct connected with work as provided in Section 443.101(1), Florida Statutes, and whether the claimant received any sum as benefits under the reemployment assistance law to which the claimant is not entitled as provided in Section 443.151(6), Florida Statutes.

The referee's findings of fact state as follows:

The claimant worked full time as a general manager for the [employer], a restaurant, from April 2005 to July 19, 2013 The [employer] has a liquor license; and they sell beer and wine. The claimant's duties included performing the overall operation(s) of the restaurant. The claimant also owned a restaurant separate from the [employer], from 2010 until he resigned from the company in 2012. [The other restaurant] does not have a liquor license; and they do not sell beer or wine. The claimant still uses and owns the name of the restaurant and its intellectual property

under [another company]. The claimant also has the authority to issue checks on behalf of [the other restaurant]. The claimant advised the owner at some time before his separation that he was leaving the [employer]. A week or two before the claimant's separation, the claimant left town. While the claimant was away, the owner received an anonymous tip that the claimant was misappropriating food from the [employer] to send to [the other restaurant]. The same person also advised the owner that the claimant was using the [employer's] liquor license to purchase wine for [the other restaurant]. The owner performed an investigation regarding the allegations against the claimant. The owner believed that the claimant had misappropriated food and beer and wine products from the [employer] to sell at [the other restaurant]. On July 18, 2013, the owner drafted the claimant's termination letter. On July 19, 2013, the claimant met with the owner. The owner presented the termination letter to the claimant. The termination letter addressed that he was terminating the claimant because he was an "at-will" employee and not under contract. In the next paragraph, the letter addressed the alleged misappropriation of food issue, stating that[:] "This is a *separate* matter because I know that you and other partners of yours operated the other restaurant, and there may be explanations for this." The letter also requested that the claimant and his legal representative meet with the owner and his legal representative at a later time to provide additional information regarding the issue. The claimant read the letter, left, and did not return to work.

The claimant filed an online Florida Reemployment Assistance claim effective August 11, 2013. The claimant's weekly benefit amount was \$275. The claimant received \$275 for each week claimed, beginning with the week ending August 24, 2013, to the week ending December 28, 2013.

Based on these findings, the referee held the claimant was discharged for reasons other than misconduct connected with work. Upon review of the record and the arguments on appeal, the Commission concludes the record was not developed sufficiently and material conflicts in evidence were not resolved properly; consequently, the case must be remanded.

Effective May 17, 2013, Section 443.036(30), Florida Statutes, states that misconduct connected with work, “irrespective of whether the misconduct occurs at the workplace or during working hours, includes, but is not limited to, the following, which may not be construed in pari materia with each other”:

(a) Conduct demonstrating a conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee. Such conduct may include, but is not limited to, willful damage to an employer's property that results in damage of more than \$50; or theft of employer property or property of a customer or invitee of the employer.

(b) Carelessness or negligence to a degree or recurrence that manifests culpability or wrongful intent, or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer.

(c) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence.

(d) A willful and deliberate violation of a standard or regulation of this state by an employee of an employer licensed or certified by this state, which violation would cause the employer to be sanctioned or have its license or certification suspended by this state.

(e)1. A violation of an employer's rule, unless the claimant can demonstrate that:

- a. He or she did not know, and could not reasonably know, of the rule's requirements;
- b. The rule is not lawful or not reasonably related to the job environment and performance; or
- c. The rule is not fairly or consistently enforced.

2. Such conduct may include, but is not limited to, committing criminal assault or battery on another employee, or on a customer or invitee of the employer; or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in her or his professional care.

The record reflects the claimant was a chef and manager for the employer. The record additionally reflects the claimant was the owner of another restaurant, with a name registered with the Department of State as a fictitious name on June 10, 2010. The other restaurant does not have a license to sell wine. The employer's witness testified that the claimant was discharged for misappropriating prepared food from this employer to sell at the other restaurant and for misusing the employer's beer and wine license to purchase wine for the other restaurant. The employer's owner testified that he received information from another employee that the claimant had misappropriated prepared food for the other restaurant and that the employees were required to complete order forms listing the food items and prices of the prepared foods that were being transferred.

The employer's owner testified that, according to the order forms, the claimant misappropriated approximately \$70,000 of prepared foods. In addition, the record reflects checks were made payable to a wine wholesaler from the account of the company that owned and operated the other restaurant. The checks were endorsed by the claimant. The record also reflects the existence of corresponding invoices from the wine wholesaler made out to the employer. The director of operations testified the employer did not sell the type of wine listed in the invoice. Employer witness testimony also reflects that on July 19, 2013, the owner and the director of operations presented the claimant with the order forms and a discharge letter which contained allegations that the claimant misappropriated food items. The employer's witnesses testified that they simultaneously discussed the alleged misuse of the employer's beer and wine license. At the hearing, the owner and the director of operations testified that after reading the letter, the claimant admitted to misappropriating food for the other restaurant and misusing the employer's beer and wine license.

The claimant testified that the director of operations was not present when the owner presented him with the discharge letter. Moreover, the claimant denied making any admission concerning the allegations after reading the letter. Rather, the claimant testified that he and the owner conversed about their "history" and the future of the business and the owner "thanked" him. At the hearing, the claimant denied misappropriating prepared food for the other restaurant. Additionally, the claimant denied misusing the employer's beer and wine license, denied that the owner presented him with order forms on July 19, 2013, and testified that he never saw the order forms until the date of the hearing. The claimant further testified that he resigned from the other restaurant in 2012. Concerning the checks made payable to the wine wholesaler, the claimant testified, "I made the check out because my manager told me there was an invoice that had to be paid, so I paid it."

The referee resolved material conflicts in the evidence in favor of the claimant and, therefore, rejected the employer's crucial evidence that the claimant admitted to the allegations. However, in resolving conflicts in favor of the claimant, the referee failed to address the claimant's internally inconsistent testimony. At the hearing, the referee questioned the claimant if he had a restaurant, to which the claimant responded, "I do not." Later, when questioned by the employer's counsel if he owned the other restaurant, the claimant answered, "the company went under [another company] and I was a minority partner." Additionally, the employer submitted into evidence Florida Department of State records reflecting the claimant was the current owner of the other restaurant as a d/b/a. By failing to address this inconsistent evidence, the Commission is unable to ascertain whether the referee properly considered and utilized acceptable standards for deciding credibility issues. *See Evans v. Unemployment Appeals Commission*, 42 So. 3d 931 (Fla. 5th DCA 2010) (concluding the referee's resolution of conflicts was unsupported by the competent evidence in the record in light of the internal inconsistencies in that party's testimony).

Furthermore, the referee did not develop the record sufficiently regarding why the claimant signed checks made payable to the wine wholesaler. In her conclusions of law, the referee found "[t]he claimant rebutted that he did not personally purchase wine to be sent to [the other restaurant], and that he was only paying for the invoices that [were] presented to him by his manager, by using the [employer's] checks." As currently developed, the record is unclear whether the manager worked for the employer at issue or the other restaurant. However, based on the current evidence in the record, the claimant's explanation is illogical and inherently improbable under either circumstance. Further, the referee's characterization of the claimant's testimony appears to indicate that the manager was employed with the employer at issue. It strains logic, however, to suggest that a manager who worked for the employer would instruct the claimant to pay for the employer's invoices with funds from the claimant's other restaurant, an entity that is not affiliated with the employer. Alternatively, if the manager was employed at the other restaurant, it is unclear how the manager would be in possession of this employer's invoices and how the other restaurant would be capable of purchasing wine without a beer and wine license. Moreover, the referee did not address the employer's unrebutted testimony that the employer does not sell the brand of wine listed in the invoices. On remand, the referee is instructed to further develop the claimant's testimony on this point, clarify the issue, and properly evaluate the employer's circumstantial evidence.

In addition to the foregoing, a review of the hearing record reveals the employer attempted to present after-acquired evidence of misconduct. The referee, however, barred the employer from presenting this evidence. The disqualification provisions of Section 443.101(1)(a), Florida Statutes, require that an employee be

“discharged . . . for misconduct,” meaning that the misconduct proven at a hearing by the employer must have been the cause of the discharge. For that reason, after-acquired evidence may often not be admissible to prove misconduct when it does not adequately relate to the grounds for the separation. However, contrary to the referee’s ruling in this case, evidence acquired after the separation can be used in a hearing insofar as it establishes facts occurring prior to the separation *that relate to the same general grounds for the separation*. See *Ordnance Research, Inc. v. Sterling*, 475 So. 2d 954, 957 (Fla. 1st DCA 1985). Moreover, even if this evidence was not sufficiently related to the grounds for separation, it could have been relevant to the referee’s credibility determination, and for propensity evidence.¹ As a finder of fact, the referee has a duty to preserve the right of each party to present evidence relevant to the issues and a duty to examine or cross-examine any witness as is necessary to properly develop the record. Fla. Admin. Code R. 73B-20.024(3)(b). The referee’s blanket rejection of after-acquired evidence constituted procedural error which must be corrected on remand.

The Commission further notes that the copies of the checks and invoices which were entered into evidence are not sufficiently legible. On remand, the employer must send to the referee and the claimant legible copies at the addresses stated on the notice of hearing. Furthermore, although documents were addressed at the hearing and the referee advised the parties that specified documents were admitted into evidence, no documents appear to have been physically marked and collected in an exhibit file. Florida Administrative Code Rule 73B-20.024(3)(e) requires that all documents introduced as evidence shall be labeled and certified by the appeals referee as being the actual document received or a true and correct photocopy thereof. The referee has not complied with this rule. On remand, the referee must repair the record and properly mark all exhibits.

In order to address the foregoing issues, the referee’s decision is vacated and the case is remanded. On remand, the referee is directed to allow the employer to present after-acquired evidence of alleged misconduct and further develop the record as outlined above. The referee must then render a new decision based upon the supplemented record containing an appropriate credibility determination in accordance with *Evans*. Any hearing convened subsequent to this order shall be deemed supplemental, and all evidence currently in the record shall remain in the record. The Commission notes that the ultimate conclusion regarding whether the claimant’s separation from the instant employer was disqualifying will control whether he has been overpaid benefits; therefore, the overpayment issue shall be addressed anew once the referee rules on the separation issue.

¹ The limitation on propensity evidence contained in Section 90.404(2), Florida Statutes, is not applicable to reemployment assistance hearings. See §443.151(4)(b)5.b., Fla. Stat.

The decision of the appeals referee is vacated and the case is remanded for further proceedings.

It is so ordered.

REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

Frank E. Brown, Chairman
Thomas D. Epsky, Member
Joseph D. Finnegan, Member

This is to certify that on

11/25/2014 ,

the above Order was filed in the office of the Clerk of the Reemployment Assistance Appeals Commission, and a copy mailed to the last known address of each interested party.

By: Kady Thomas

Deputy Clerk



DEPARTMENT OF ECONOMIC OPPORTUNITY
REEMPLOYMENT ASSISTANCE PROGRAM
PO BOX 5250
TALLAHASSEE, FL 32314 5250



*29443377 *

Docket No.0022 2553 84-02

Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

CLAIMANT/Appellant

EMPLOYER/Appellee

APPEARANCES

Claimant

Claimant Representative

DECISION OF APPEALS REFEREE

Important appeal rights are explained at the end of this decision.

Derechos de apelación importantes son explicados al final de esta decisión.

Yo eksplike kèk dwa dapèl enpòtan lan fen desizyon sa a.

SEPARATION: Whether the claimant was discharged for misconduct connected with work or voluntarily left work without good cause as defined in the statute, pursuant to Sections 443.101(1), (9), (10), (11); 443.036(30), Florida Statutes; Rule 73B-11.020, Florida Administrative Code.

Issues Involved: CHARGES TO EMPLOYER'S EMPLOYMENT RECORD: Whether benefit payments made to the claimant will be charged to the employment record of the employer, pursuant to Sections 443.101(9); 443.131(3)(a), Florida Statutes; Rules 73B-10.026; 11.018, Florida Administrative Code. (If charges are not at issue on the current claim, the hearing may determine charges on a subsequent claim.)

OVERPAYMENT: Whether the claimant received benefits to which the claimant was not entitled, and if so, whether those benefits are subject to being recovered or recouped by the Agency, pursuant to Sections 443.151(6); 443.071(7), 443.1115; 443.1117, Florida Statutes and 20 CFR 615.8.

OVERPAYMENT: Whether the claimant received benefits to which the claimant was not entitled, and if so, whether those benefits are subject to being recovered or recouped by the Agency, pursuant to Sections 443.151(6); 443.071(7), 443.1115; 443.1117, Florida Statutes and 20 CFR 615.8.

CHARGES TO EMPLOYER'S EMPLOYMENT RECORD: Whether benefit payments made to the claimant will be charged to the employment record of the employer, pursuant to Sections 443.101(9); 443.131(3)(a), Florida Statutes; Rules 73B 10.026; 11.018, Florida Administrative Code. (If charges are not at issue on the current claim, the hearing may determine charges on a subsequent claim.)

Findings of Fact: The claimant worked full time as a general manager for the _____, (also known as _____) a restaurant, from April 2005 to July 19, 2013. The _____ does business as _____. The _____ has a liquor license; and they sell beer and wine. The claimant's duties included performing the overall operation(s) of the restaurant. The claimant also owned a restaurant separate from the _____ named _____ from 2010 until he resigned from the company in 2012. _____ does not have a liquor license; and they do not sell beer or wine. The claimant still uses and owns the name of the restaurant and its intellectual property under _____. The claimant also has the authority to issue checks on behalf of _____. The claimant advised the owner at some time before his separation that he was leaving the _____. A week or two before the claimant's separation, the claimant left town. While the claimant was away, the owner received an anonymous tip that the claimant was misappropriating food from the _____ to send to _____. The same person also advised the owner that the claimant was using the _____ liquor license to purchase wine for _____. The owner performed an investigation regarding the allegations against the claimant. The owner believed that the claimant had misappropriated food and beer and wine products from the _____ to sell at _____. On July 18, 2013, the owner drafted the claimant's termination letter. On July 19, 2013, the claimant met with the owner. The owner presented the termination letter to the claimant. The termination letter addressed that he was terminating the claimant because he was an "at will" employee and not under contract. In the next paragraph, the letter addressed the alleged misappropriation of food issue, stating that "This is a *separate* matter because I know that you and other partners of yours operated the other restaurant, and there may be explanations for this." The letter also requested that the claimant and his legal representative meet with the owner and his legal representative at a later time to provide additional

information regarding the issue. The claimant read the letter, left, and did not return to work.

The claimant filed an online Florida Reemployment Assistance claim effective August 11, 2013. The claimant's weekly benefit amount was \$275. The claimant received \$275 for each week claimed, beginning with the week ending August 24, 2013 to the week ending December 28, 2013.

Conclusions of Law: As of May 17, 2013, the Reemployment Assistance Law of Florida defines misconduct connected with work as, but is not limited to, the following, which may not be construed in pari material with each other:

- a. Conduct demonstrating conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee. Such conduct may include, but is not limited to, willful damage to an employer's property that results in damage of more than \$50; theft of employer property or property of a customer or invitee of the employer.
- b. Carelessness or negligence to a degree or recurrence that manifests culpability, or wrongful intent, or shows an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his or her employer.
- c. Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one approved absence.
- d. A willful and deliberate violation of a standard or regulation of this state by an employee of an employer licensed or certified by this state, which violation would cause the employer to be sanctioned or have its license or certification suspended by this state.
- e. 1. A violation of an employer's rule, unless the claimant can demonstrate that:
 - a. He or she did not know, and could not reasonably know, of the rule's requirements;
 - b. The rule is not lawful or not reasonably related to the job environment and

performance; or

- c. The rule is not fairly or consistently enforced.

2. Such conduct may include, but is not limited to, committing criminal assault or battery on another employee, or on a customer or invitee of the employer; or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in her or his professional care.

The record shows that the claimant was discharged on July 19, 2013. When a claimant's separation results from an employer's decision to discharge the worker, the burden of proving misconduct rests with the employer. See Lewis v. Unemployment Appeals Commission, 498 So. 2d 608 (Fla. 5th DCA 1986).

The record shows that the owner performed an investigation regarding whether the claimant was misappropriating food and liquor license to send the items to his separately owned restaurant a week or two before the separation. However, in the actual termination letter, the owner stated, "...unfortunately, I have determined that it is appropriate to terminate your employment at this time, on this date." The reason for the termination does not state any specific reason for terminating the claimant other than that he was an at-will employee and that the owner had the ability to terminate the employment at any time. Consideration is given to the employer witnesses' testimony that they determined that the claimant allegedly misappropriated food and beer and wine products to be sold at his restaurant, _____, as their representative presented two _____ order forms, dated July 8, 2010 July 11, 2011, listing food items and their prices. The employer's witnesses' alleged that the claimant used the two _____ order forms to keep inventory of the food items that were being removed from their restaurant to go to _____. However, the claimant rebutted that the forms were prep lists and not order forms. Additionally, the claimant rebutted that the handwriting on the forms did not belong to him. Even if it was his handwriting, the documents do not establish that the same items were taken from _____ to be used and/or sold at _____. The employer's representative also presented two _____ invoices dated March 14, 2013 and April 25, 2013, with corresponding cancelled checks for the same dollar amounts. The employer's witnesses alleged that the claimant used _____ liquor license to purchase wine to sell at _____, although _____ does not have a liquor license, and therefore, cannot legally sell beer or wine. The claimant rebutted that he did not personally purchase wine to be sent to _____; and that he was only paying for the invoices that was presented to him by his manager, by using the checks. The employer's witnesses' also alleged that the claimant's total misappropriation of food and beer and wine products was in the \$70,000+ range; however, they

did not present any competent evidence to support that claim. Additionally, the employer's witnesses testified that although the claimant allegedly misappropriated at least \$70,000 dollars in food and beer and wine products, as of the date of the most recent hearing, no criminal charges have been placed against the claimant. With these considerations, the employer failed to meet their burden of proof to establish that the claimant misappropriated any assets belonging to the company. Therefore, the claimant was discharged for reasons other than misconduct connected with his work under the statutes. Accordingly, the claimant is not disqualified from receiving benefits.

The law provides that, at the discretion of the Department, an overpayment may be recouped by deduction from future payable benefits. However, benefits will not be recouped if the overpayment was received without fault of the claimant and such recoupment would defeat the purpose of the statute or would be inequitable and against good conscience.

The record shows that the claimant was discharged for reasons other than misconduct connected with his work. Since the claimant is qualified in this case, the claimant was not overpaid.

The law provides that benefits will not be charged to the employment record of a contributing employer who furnishes required notice to the Department when the claimant left the work without good cause attributable to the employer.

The record shows that the claimant was discharged for reasons other than misconduct. Accordingly, benefits paid in connection with this claim will be charged to the employer.

60BB-5.009 Fees.

(1) Any attorney or authorized representative who represents a claimant in any proceeding governed by these rules shall disclose orally on the record, or by post hearing motion, the amount, if any, the claimant has agreed to pay for his or her services. The attorney or representative shall also disclose the hourly rate charged or other method used to compute the proposed fee and the nature and extent of the

services rendered.

(2) The appeals referee shall approve, reduce or deny the proposed fee by written order which may be included in the decision upon the merits of the appeal.

Specific Authority 120.80(10)(a)-(c), 443.012(3), (11) 443.151(4)(d) FS. Law Implemented 443.041 (2), 443.151(4)(d) FS. History--New 5-22-80, Formerly 38E-5309, 38E-5.009

Both the claimant and the employer had legal representation at the hearing, for which, the both the claimant and the employer were charged a flat rate fee of \$600. The referee approves this fee of \$600.

The hearing officer was presented with conflicting testimony regarding material issues of fact and is charged with resolving these conflicts. The Reemployment Assistance Appeals Commission set forth factors to be considered in resolving credibility questions. These include the witness' opportunity and capacity to observe the event or act in question; any prior inconsistent statement by the witness; witness bias or lack of bias; the contradiction of the witness' version of events by other evidence or its consistency with other evidence; the inherent improbability of the witness' version of events; and the witness' demeanor. Upon considering these factors, the hearing officer finds the testimony of the claimant to be more credible. Therefore, material conflicts in the evidence are resolved in favor of the claimant.

Decision: The determination dated April 14, 2014 is REVERSED. The claimant is qualified to receive benefits beginning August 11, 2013. The claimant was not overpaid. Benefits paid in connection with this claim will be charged to the employer.

If this decision disqualifies and/or holds the claimant ineligible for benefits already received, the claimant will be required to repay those benefits. The specific amount of any overpayment will be calculated by the department and set forth in a separate overpayment determination, unless specified in this decision. However, the time to request review of this decision is as shown above and is not stopped, delayed or extended by any other determination, decision or order.

This is to certify that a copy of the above decision was distributed to the last known address of each interested party on July 8, 2014

Selena Neal
Appeals Referee

By: 

DESYREE JONES, Deputy Clerk

IMPORTANT - APPEAL RIGHTS: This decision will become final unless a written request for review or reopening is filed within 20 calendar days after the mailing date shown. If the 20th day is a Saturday, Sunday or holiday defined in F.A.C. 73B-21.004, filing may be made on the next day that is not a Saturday, Sunday or holiday. If this decision disqualifies and/or holds the claimant ineligible for benefits already received, the claimant will be required to repay those benefits. The specific amount of any overpayment will be calculated by the Department and set forth in a separate overpayment determination. However, the time to request review of this decision is as shown above and is not stopped, delayed or extended by any other determination, decision or order.

A party who did not attend the hearing for good cause may request reopening, including the reason for not attending, at connect.myflorida.com or by writing to the address at the top of this decision. The date of the confirmation page will be the filing date of a request for reopening on the Department's Web Site.

A party who attended the hearing and received an adverse decision may file a request for review to the Reemployment Assistance Appeals Commission, Suite 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151; (Fax: 850-488-2123); <https://raaciap.floridajobs.org>. If mailed, the postmark date will be the filing date. If faxed, hand-delivered, delivered by courier service other than the United States Postal Service, or submitted via the Internet, the date of receipt will be the filing date. To avoid delay, include the docket number and claimant's social security number. A party requesting review should specify any and all allegations of error with respect to the referee's decision, and provide factual and/or legal support for these challenges. Allegations of error not specifically set forth in the request for review may be considered waived.

IMPORTANTE - DERECHOS DE APELACIÓN: Esta decisión pasará a ser final a menos que una solicitud por escrito para revisión o reapertura se registre dentro de 20 días de calendario después de la fecha marcada en que la decisión fue remitida por correo. Si el vigésimo (20) día es un sábado, un domingo o un feriado definidos en F.A.C. 73B-21.004, el registro de la solicitud se puede realizar en el día siguiente que no sea un sábado, un domingo o un feriado. Si esta decisión descalifica y/o declara al reclamante como inelegible para recibir beneficios que ya fueron recibidos por el reclamante, se le requerirá al reclamante rembolsar esos beneficios. La cantidad específica de cualquier sobrepago [*pago excesivo de beneficios*] será calculada por la Agencia y establecida en una determinación de pago excesivo de beneficios que será emitida por separado. Sin embargo, el límite de tiempo para solicitar la revisión de esta decisión es como se establece anteriormente y dicho límite no es detenido, demorado o extendido por ninguna otra determinación, decisión u orden.

Una parte que no asistió a la audiencia por una buena causa puede solicitar una reapertura, incluyendo la razón por no haber comparecido en la audiencia, en connect.myflorida.com o escribiendo a la dirección en la parte superior de esta decisión. La fecha de la página de confirmación será la fecha de presentación de una solicitud de reapertura en la página de Internet del Departamento.

Una parte que asistió a la audiencia y recibió una decisión adversa puede registrar una solicitud de revisión con la Comisión de Apelaciones de Servicios de Reempleo; Reemployment Assistance Appeals Commission, Suite 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151; (Fax: 850-488-2123); <https://raaciap.floridajobs.org>. Si la solicitud es enviada por correo, la fecha del sello de la oficina de correos será la fecha de registro de la solicitud. Si es enviada por telefax, entregada a mano, entregada por servicio de mensajería, con la excepción del Servicio Postal de Estados Unidos, o realizada vía el Internet, la fecha en la que se recibe la solicitud será la fecha de registro. Para evitar demora, incluya el número de expediente [*docket number*] y el número de seguro social del reclamante. Una parte que solicita una revisión debe especificar cualquiera y todos los alegatos de error con respecto a la decisión del árbitro, y proporcionar fundamentos reales y/o legales para substanciar éstos desafíos. Los alegatos de error que no se establezcan con especificidad en la solicitud de revisión pueden considerarse como renunciados.

ENPÒTAN - DWA DAPÈL: Desizyon sa a ap definitiv sòf si ou depoze yon apèl nan yon delè 20 jou apre dat nou poste sa a ba ou. Si 20^{yèm} jou a se yon samdi, yon dimanch oswa yon jou konje, jan sa defini lan F.A.C. 73B-21.004, depo an kapab fèt jou aprè a, si se pa yon samdi, yon dimanch oswa yon jou konje. Si desizyon an diskalifye epi/oswa deklare moun k ap fè demann lan pa kalifye pou alokasyon li resevwa deja, moun k ap fè demann lan ap gen pou li remèt lajan li te resevwa a. Se Ajans lan k ap kalkile montan nenpòt ki peman anplis epi y ap detèmine sa lan yon desizyon separe. Sepandan, delè pou mande revizyon desizyon sa a se delè yo bay anwo a; Okenn lòt detèminasyon, desizyon oswa lòd pa ka rete, retade oubyen pwolonje dat sa a.

Yon pati ki te gen yon rezon valab pou li pat asiste seyans lan gen dwa mande pou yo ouvri ka a ankò; fòk yo bay rezon yo pat ka vini an epi fè demann nan sou sitwèb sa a, connect.myflorida.com oswa alekri nan adrès ki mansyone okomansman desizyon sa a. Dat cofimasyon page sa pral jou ou ranpli deman pou reouvewti dan web sit depatman.

Yon pati ki te asiste odyans la epi li resevwa yon desizyon negatif kapab soumèt yon demann pou revizyon retounen travay Asistans Komisyon Apèl la, Suite 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151; (Faks: 850-488-2123); <https://raaciap.floridajobs.org>. Si poste a, dat tenm ap dat li ranpli aplikasyon. Si fakse, men yo-a delivre, lage pa sèvis mesaje lòt pase Etazini Sèvis nan Etazini Nimewo, oswa soumèt sou Entènèt la, dat yo te resevwa ap dat li ranpli aplikasyon. Pou evite reta, mete nimewo rejis la ak nimewo sosyal demandè a sekirite. Yon pati pou mande revizyon ta dwe presize nenpòt ak tout akizasyon nan erè ki gen rapò ak desizyon abit la, yo epi bay sipò reyèl ak / oswa legal pou defi sa yo. Alegasyon sou erè pa espesyalman tabli nan demann nan pou revizyon yo kapab konsidere yo egzante.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.