STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellee

R.A.A.C. Order No. 15-00463

vs.

Referee Decision No. 0022654916-04U

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.

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.

I.
The Decision Below

The referee's findings of fact state as follows:

> The claimant worked for the employer, a county school, as a secondary science teacher from December 2005 to August 20, 2014. The claimant was given multiple teaching recommendations throughout the final school year. On January 24, 2014, the claimant received a warning where he was spoken to about engaging his students. The principal recommended the claimant's discharge. The claimant was suspended without pay by the employer May 8, 2014. The claimant was advised that the school board decided to terminate his employment and that he had a window to appeal the decision. The claimant appealed the decision to terminate in June 2014. The employer had an administrative hearing scheduled in July 2014, for the claimant to

> argue his case in order to get reinstated in his position with the employer. The claimant received notice that his hearing had been postponed by the employer to August 2014. On August 20, 2014, the claimant signed a resignation letter as he ran out of income and could no longer wait for a hearing to discuss his position as he could not pay his bills.

Based on these findings, the referee held the claimant voluntarily left work with good cause attributable to the employing unit. Upon review of the record and the arguments on appeal, the Commission concludes the referee did not properly analyze all the relevant legal issues with respect to the claimant's claim for benefits; consequently, the case must be remanded.

II.
Analysis

A. *Background*

The claimant was employed as a teacher with this employer. The record reflects that on May 7, 2014, the employer suspended the claimant without pay effective immediately pending dismissal proceedings. The suspension was a result of the claimant allegedly failing to correct performance deficiencies during a 90-day performance improvement period. On May 8, 2014, the claimant received notice of the employer's action. After his suspension, the claimant filed a claim for benefits effective May 11, 2014.

The claimant timely appealed the employer's action by requesting a formal hearing before an administrative law judge. The claimant, however, withdrew his request on June 5, 2014, after the hearing was postponed until August 2014. The claimant testified that as a result of his loss of income he experienced financial hardship and was unable to secure a teaching position elsewhere without a letter of recommendation from his former employer. Following his attorney's advice regarding the length of time the process could take before he received a resolution on his case, the claimant withdrew his request for a formal hearing in order to seek employment elsewhere. The claimant ultimately submitted a letter of resignation, which was accepted by the employer on August 20, 2014. The record does not contain information about any discussions between the employer and the claimant that may have occurred in the interim.

On October 2, 2014, the Department of Economic Opportunity issued a non-monetary determination which disqualified the claimant for voluntarily leaving work without good cause attributable to the employer. Significantly, the disqualification was effective on May 4, 2014, instead of August 17, 2014, which would have been the appropriate date if the August 20, 2014 resignation were the disqualifying event.

B. *Disqualification Issues*

In finding that the claimant voluntarily quit on August 20, 2014, the referee, likely led astray by the erroneous analysis of the underlying determination, overlooked the legal significance of the employer's indefinite suspension of the claimant without pay, and the claimant's immediate filing of a claim for benefits in May 2014. In focusing on the resignation tendered on August 20, 2014, the referee failed to recognize that the claimant had been unemployed within the meaning of Chapter 443, Florida Statutes, for nearly four months prior to tendering his resignation.

The claimant's unemployment can be evaluated as two distinct periods of potential disqualification: first, from May 4, 2014, until August 16, 2014, during which the claimant was suspended, and second, from August 17, 2014, and thereafter, following the claimant's resignation. Although separate events, our analysis must consider any relationship between the two. Alternatively, we also consider whether the claimant's unemployment should be construed as a constructive discharge when the employer indefinitely suspended the claimant without pay pending dismissal proceedings on May 8, 2014. Under a constructive discharge analysis, a single period of disqualification would begin May 4, 2014. The Commission will address each alternative herein.

1. *Whether the Claimant's Suspension Was For Misconduct Connected with Work*

Section 443.101(1)(b), Florida Statutes, a provision overlooked by the adjudicator, provides that the claimant shall be disqualified for benefits "For any week with respect to which the department finds that his or her unemployment is due to a suspension for misconduct connected with the individual's work." For purposes of Florida's reemployment assistance law, a suspension falls under the statutory definition of "unemployed." Section 443.036(45), Florida Statutes, defines "unemployed" as:

> (a) An individual is "totally unemployed" in any week during which he or she does not perform any services and for which earned income is not payable to him or her . . . .

Under this definition, an individual can be "unemployed" without the employment relationship having been fully and finally severed. While this definition may appear contrary to the commonly accepted understanding of "unemployment," it exists for sound policy reasons. Reemployment assistance benefits in Florida are designed to be generally payable during periods where an individual is not working for an employer, even if the employee maintains an ongoing working relationship.

In this case, the undisputed evidence reflects the claimant performed no services for the employer and earned no wages after May 8, 2014. Consequently, the claimant established a *prima facie* case that he was "unemployed" effective May 8, 2014. At that point, the burden shifted to the employer to demonstrate that the action taken against the claimant's employment was for misconduct connected with work. *Lewis v. Unemployment Appeals Commission*, 685 So. 2d 876, 878 (Fla. 2d DCA 1996). Indeed, the same standards for disqualification are considered in cases involving a claimant's suspension under Section 443.101(1)(b), Florida Statutes, as in cases of a discharge. Accordingly, the employer must be given the opportunity to demonstrate that its suspension of the claimant was for misconduct as defined in Section 443.036(29), Florida Statutes. If the employer establishes that the claimant was suspended for misconduct, the claimant is disqualified from receipt of benefits during the suspension period, May 4, 2014, through August 16, 2014, the week prior to the effective date of the claimant's resignation.

2. *Whether the Claimant's Resignation Was With Good Cause Attributable to The Employer*

Section 443.101(1)(a)1., Florida Statutes, denies payment of benefits to persons who voluntarily leave a job, unless the leaving was for good cause attributable to the employer which would compel a reasonable employee to cease working. Under the circumstances of this case, whether the claimant left work for good cause will be determined by the referee's decision as to whether the claimant was suspended for misconduct effective May 4, 2014. Although a suspension for misconduct is typically only a week-by-week disqualification, in this case the indefinite suspension was a mere precursor to a discharge. When an employee resigns due to an imposed disciplinary action that unilaterally, materially, and indefinitely or permanently affects his employment status, the issue of whether the resignation is with good cause attributable to the employer will usually be controlled by whether the suspension was for misconduct.

ABC Auto Parts v. Florida Dept. of Labor & Employment Security, 372 So. 2d 197 (Fla. 1st DCA 1979), is instructive. In *ABC Auto Parts*, the claimant resigned her employment because of a disciplinary transfer that was essentially a demotion. Because the resignation was triggered by the employer's unilateral and material change in the claimant's status, the claimant would normally have been eligible for benefits. However, the court held that the decisive issue was whether the triggering disciplinary action, transferring her to a lesser position, was justified by misconduct. If so, the resignation would not be for good cause attributable to the employer.

If the referee holds the claimant disqualified for misconduct in connection with his suspension, it follows that the claimant did not have good cause to resign, and he will remain disqualified from receipt of benefits from August 17, 2014. However, if the claimant is not disqualified for misconduct in connection with his suspension, the issue arises as to whether his resignation on August 20, 2014, constitutes additional grounds for disqualification for benefits. In suspending the claimant without pay and indefinitely, the employer unilaterally and materially altered the claimant's employment relationship. Similar changes have typically been considered good cause to relinquish employment. *See, e.g., Rivero v. Miami-Dade County*, 764 So. 2d 850, 852 (Fla. 3d DCA 2000). Consequently, if the employer does not establish the claimant was suspended for misconduct, the claimant would not be disqualified as a result of his separation because his leaving would be for good cause attributable to the employer.

On appeal to the Commission, the employer cites *Board of County Commissioners, Citrus County v. Florida Department of Commerce*, 370 So. 2d 1209 (Fla. 2d DCA 1979), for the proposition that the claimant did not have good cause to quit. In that case, a county director was accused of misconduct, and the county attorney recommended that the Board of County Commissioners consider suspending the claimant, which would require a public hearing. The claimant declined to have a public hearing on the matter, and instead asked the Board of County Commissioners to immediately relieve him of his position, which they did. The court held, "When an employee, in the face of allegations of misconduct, chooses to leave his employment rather than exercise his right to have the allegations determined, such action supports a finding that the employee voluntarily left his job without good cause." *Id*. at 1211. A similar scenario occurred in *Glenn v. Florida Unemployment Appeals Commission*, 516 So. 2d 88 (Fla. 3d DCA 1987), in which the claimant was a county employee who was the subject of disciplinary action which recommended his termination for offensive behavior toward co-workers. The claimant was advised that he could respond to the action orally or in writing, but he declined to do so. The court held the claimant voluntarily quit without good cause, stating, "Whenever feasible, an individual is expected to expend reasonable efforts to preserve his employment." *Id*. at 89; *cf. Schenck v. Unemployment Appeals*

Commission, 868 So. 2d 1239 (Fla. 4th DCA 2004) (holding the claimant quit with good cause since there was no allegation of misconduct and no evidence of any reasonable possibility that he could have been retained by the city if he had gone through a hearing); *LeDew v. Unemployment Appeals Commission*, 456 So. 2d 1219 (Fla. 1st DCA 1984) (resignation after demand by superintendent and no reasonable belief that a hearing before the board would be an effective remedy).

The *Citrus County*, *Glenn*, *Schenk*, and *LeDew* line of cases are inapposite here. All of these cases involved *pre*-deprivation remedies, where the adverse action against the employee was *proposed* but not yet *imposed*. Unlike the employees in the above-cited cases, the claimant did not resign *prior* to action being taken against his employment. Instead, by the time he withdrew his request for a formal hearing, he was already "unemployed" due to an extended suspension without pay.

The employer contends that the claimant's suspended status was not as onerous as the referee assumed, because the claimant would not have earned income during the summer months had he not been suspended. As the employer notes in its appeal, this issue was not addressed at the hearing. We recognize that instructional personnel are generally employed on ten-month contracts, but in the absence of evidence as to whether the claimant typically or occasionally worked summer sessions, and the extent to which his suspension precluded such work, we will not accept the employer's mere post-hearing assertion.

Furthermore, this argument does not address the reality the claimant faced. Once the hearing was rescheduled to August, the claimant realized he would be in limbo until roughly the time the new school year started and without knowing his chances of success. Based on advice of counsel, he made a decision to resign in the hopes of landing another position. We agree with the referee to the extent that, if the suspension is not shown to be for misconduct, the claimant's action was reasonable under the circumstances that he found himself based on the employer's actions. Requiring the claimant to wait for months in limbo is not consistent with the purposes of the statute, which favors reemployment. §443.031, Fla. Stat. (2014). We note, however, that our holding in this regard is limited to the unique circumstances of this case.

3. *Whether the Claimant's Indefinite Suspension Without Pay Pending Discharge Was A Constructive Discharge Due to Misconduct*

The facts of this case would alternatively support a conclusion that the claimant's employment with the employer effectively terminated well before his resignation. Workers who are discharged for misconduct connected with work are

disqualified from receiving benefits pursuant to Section 443.101(1)(a)2., Florida Statutes. The term "discharge" is not defined in Chapter 443, Florida Statutes, requiring us to determine in what instances a job status change not deemed a final discharge by the employer nonetheless constitutes a discharge for purposes of the statute. When an employer temporarily suspends an employee without pay for a limited period of time and with a known return date, the employee will be "unemployed" within the meaning of the law during the suspension, but will not have been discharged. However, when an employee's status is left in limbo for an extended period of time, despite being able and ready to work, the claimant may have been constructively discharged. Both the courts and the Commission have recognized constructive discharges in numerous circumstances. For example, in *LeDew*, 456 So. 2d at 1224, the court, following case law under the National Labor Relations Act, concluded that an employee who reasonably believed that he had been discharged by the employer must be so treated under the reemployment assistance law. Moreover, the statutory test for good cause attributable to the employer, Section 443.101(1)(a)1., Florida Statutes ("cause attributable to the employing unit which would compel a reasonable employee to cease working"), is itself a form of constructive discharge under traditional federal labor and employment law doctrines. *See*, *e.g., Pa. State Police v. Suders*, 542 U.S. 129, 141 (2004).

The facts of this case, where the employer suspended the claimant indefinitely without pay as a direct precursor to termination proceedings, which did not take place in short order, would support a conclusion that the claimant was constructively discharged in May 2014. However, regardless of whether the May 7, 2014 action taken against the claimant is deemed a suspension under Section 443.101(1)(b), Florida Statutes, or as a constructive discharge, the referee must develop the record and make findings regarding whether such action was taken for misconduct connected with work. We note that if the May 7, 2014 action is deemed a constructive discharge, the claimant's subsequent resignation would be irrelevant as the employment relationship would have already been fully and finally severed as of May 8, 2014.

III.
Conclusion

Because the claimant demonstrated that he was unemployed within the meaning of the statute on May 8, 2014, and thereafter, he is not disqualified from receipt of reemployment assistance benefits effective May 4, 2014, and thereafter, unless the employer can show that the action taken against the claimant's employment was for misconduct connected with work as defined in Section 443.036(29), Florida Statutes. On remand, the referee shall conduct a supplemental hearing limited to the issue of whether the employer can establish that the claimant's suspension without pay was for misconduct as defined by the reemployment assistance law.

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 7/21/2015, 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 Ross

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

*38343396 *

Docket No.0022 6549 16-04 Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

CLAIMANT/Appellant ***EMPLOYER/Appellee***

APPEARANCES Claimant

Employer

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.

NON-APPEARANCE: Whether there is good cause for proceeding with an additional hearing, pursuant to Florida Administrative Code Rules 73B-20.016; 20.017.

NON-APPEARANCE: Whether there is good cause for proceeding with an additional hearing, pursuant to Florida Administrative Code Rules 73B-20.016; 20.017.

Issues Involved: 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), (13); 443.036(29), Florida Statutes; Rule 73B-11.020, Florida Administrative Code.

Case History: The claimant appealed the determination dated October 2, 2014, and a hearing was scheduled for November 25, 2014. As the employer did not appear the hearing was held with the claimant's testimony. A decision was made with the claimant's testimony. The employer disagreed with the referee's decision and requested a reopening of their case. A subsequent hearing was scheduled for January 12, 2015. The employer did not appear for the hearing and a reinstated decision was issued by the referee. The employer requested a reopening of the case. At the hearing the employer provided good cause for non-appearance as she was diligent in requesting reopening after not having received notice. The non-appearance issue was dismissed.

Findings of Fact: The claimant worked for the employer, a county school, as a secondary science teacher from December 2005, to August 20, 2014. The claimant was given multiple teaching recommendations throughout the final school year. On January 24, 2014, the claimant received a warning where he was spoken to about engaging his students. The principal recommended the claimant's discharge. The claimant was suspended without pay by the employer May 8, 2014. The claimant was advised that the school board decided to terminate his employment and that he had a window to appeal the decision. The claimant appealed the decision to terminate in June 2014. The employer had administrative hearing scheduled on July 2014, for the claimant to argue his case in order to get reinstated in his position with the employer. The claimant received notice that his hearing had been postponed by the employer to August 2014. On August 20, 2014, the claimant signed a resignation letter as he ran out of income and could no longer wait for a hearing to discuss his position as he could not pay his bills.

Conclusions of Law: The law provides that a claimant who voluntarily left work without good cause as defined in the statute will be disqualified for benefits. "Good cause" includes only cause attributable to the employing unit or illness or disability of the claimant requiring separation from the work. However, a claimant who voluntarily left work to return immediately when called to work by a permanent employing unit that temporarily terminated the claimant's work within the previous 6 calendar months, or to relocate due to a military-connected spouse's permanent change of station, activation, or unit deployment orders, is not subject to this disqualification.

The record reflects that the claimant was the moving party in the separation. Therefore, the claimant is considered to have voluntarily quit. The burden of proof is on the claimant who voluntarily quit work to show by a preponderance of the evidence that quitting was with good cause. Uniweld Products, Inc., v. Industrial Relations Commission, 277 So.2d 827 (Fla. 4th DCA 1973). It was shown that the claimant quit after being suspended without pay for over three months. It was shown that the claimant was given the opportunity to appeal the employer's decision. It was shown that the claimant appealed the decision to terminate but had the hearing postponed. Good cause for voluntarily leaving a job is such cause as will reasonably impel the average, able-bodied, qualified worker to give up employment. Uniweld Products, Inc. v. Industrial Relations Commission, 277 So.2d 827 (Fla. 4th DCA 1973). Since the claimant appealed the decision to terminate and was held without a paycheck for three months, he has shown good cause for quitting attributable to the employer. Accordingly, the claimant is not disqualified from the receipt of benefits.

Decision: The determination dated October 2, 2014, holding the claimant disqualified from receipt of benefits is REVERSED.

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/mailed to the last known address of each interested party on January 28, 2015.

MICHAEL COLES
Appeals Referee

By: C. Silvera

CLAUDETTE SILVERA, 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 distribution/mailed 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 distribución/fecha de envìo 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 definitif sòf si ou depoze yon apèl nan yon delè 20 jou apre dat distribisyon/postaj. Si 20yèm 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.
