STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellee

R.A.A.C. Order No. 15-03683

vs.

Referee Decision No. 0026214806-02U

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 wherein the claimant was held not disqualified from receipt of benefits and the employer's account was charged.

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. The Commission's review is generally limited to the evidence and issues before the referee and contained in the official record.

The issue before the Commission is whether the claimant was discharged by the employer for misconduct connected with work as provided in Section 443.101(1), Florida Statutes.

The referee's findings of fact state as follows:

> The claimant worked for the employer as an assistant project manager from 3/9/2015 to 5/18/2015. On 5/15/2015, the claimant was scheduled to start work at noon but did not have internet access. She did not get access until 5:00 p.m. The employer contacted her to do work through email on her cell phone which the claimant did call to speak with the employer and sent an email. On 5/16/2015, the claimant did not send a detailed end of the day email to the employer as required but rather a short, quick

> email. On 5/17/2015, the claimant scheduled a representative that a client did not want. On 5/18/2015, the claimant did not confirm two representatives had contracts prepared and received them. That same day, there was confusion as to who would pay for hotel stay for representatives. The claimant received verbal confirmation for two employees to have their hotel stay paid for but did not get the confirmation in writing. The client denied this arrangement and the employees had to pay for the hotel themselves. The employer discharged the claimant for unsatisfactory work performance on 5/18/2015.

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 procedural error occurred, the referee's findings are defective, material testimony of the employer's witnesses was not addressed in the referee's decision, and the record was not sufficiently developed; consequently, this matter must be remanded.

The parties have a right to present evidence material to their cases. Under Section 443.151(4)(b)5.a., Florida Statutes: "Any part of the evidence may be received in written form, ..." As the statutory language implies, documentary evidence should be received and considered competent where properly admissible, and an absolute preference for oral testimony over probative documentary evidence is unjustified. In response to the hearing notice, the employer sent thirteen pages of documents which were received by the referee and claimant. While the referee allowed the employer's witnesses to refer extensively to the documents in their testimony, the referee neither entered the documents as exhibits nor marked them as evidence for the record. 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. A party wishing to present a document as evidence should present the relevant oral testimony, present the document along with facts bearing on the quality of the documentary evidence, and then ask to have the document marked as evidence for the record. If the party misses any of these steps, it is incumbent upon the referee to make reasonable attempts to inquire regarding the document's authenticity, relevance, and admissibility; determine whether the party wishes to have the documents introduced as evidence; and if so, after determining whether the opposing party has any objection, rule on the record whether or not the exhibits will be admitted. This process must be repeated for each document

submitted. It is not appropriate for the parties or the referee to engage in extensive discussion of, or reference to, the contents of documents provided for the hearing unless they are admitted as exhibits. If it is clear to the referee that the parties are relying on the documents, or the referee concludes the documents are important in resolution of the case, the referee must evaluate them for formal admission. The referee has not complied with this rule; therefore, this cause is remanded for the referee to comply with the rule and repair the record.

Additionally, Section 443.036(29), Florida Statutes (2014), 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.

On appeal to the Commission, the employer contends that the referee ignored the employer's evidence which established that the claimant's actions constituted misconduct under subparagraphs (a), (b), and (e) of the above-noted statute. We agree with the employer's position as to the referee's failure to address the employer's evidence. However, because our review reflects the employer's work procedures did not constitute "rules" under subparagraph (e) as contemplated by the statute, only subparagraphs (a) and (b) are potentially implicated in this poor performance case.

One of the fundamental principles of reemployment assistance benefits law is that good faith poor performance is not misconduct. The leading case, *Boynton Cab Co. v. Neubeck*, 237 Wis. 249, 256-57, 296 N.W. 636 (Wis. 1941), explained the analysis as follows:

> The element of willfulness is found in both intentional violations of standards of behavior which an employer has a right to expect of his employees, and carelessness of such degree as to manifest equal culpability; but that mere inefficiency, the failure to do a good job because of inability or incapacity, ordinary negligence in isolated cases, good faith errors in judgment, and inadvertencies are not to be deemed "misconduct."

Boynton Cab has been cited in at least 42 states, including nine times in Florida. Prior to the 2011 amendment to the definition of misconduct, it was well established as law in Florida. *Lucido v. Unemployment Appeals Commission*, 862 So. 2d 913 (Fla. 4th DCA 2004); *Pereira v. Unemployment Appeals Commission*, 745 So. 2d 573 (Fla. 5th DCA 1999) (repeated instances of ineptitude did not constitute misconduct);

Doyle v. Florida Unemployment Appeals Commission, 635 So. 2d 1028 (Fla. 2d DCA 1994) (bank cashier's inability to keep her cash drawer in balance was not misconduct where she made an effort to comply with procedure); *Clifford v. Mile Marker 82 Limited Partnership*, 623 So. 2d 632 (Fla. 3d DCA 1993)(claimant's admitted inability to perform tasks within the time deemed adequate only gave rise to an inference that he was physically unable or generally incompetent, which is not misconduct); *Smith v. Krugman-Kadi*, 547 So. 2d 677 (Fla. 1st DCA 1989).

The countervailing principle developed in the law is that substandard performance due to a sustained lack of effort or care is misconduct. *Rycraft v. United Technologies*, 449 So. 2d 382 (Fla. 4th DCA 1984), involved an engineer who worked for the employer for eleven years. Due to his good work, the claimant was promoted twice. After his second promotion, the claimant received poor performance appraisals and was reprimanded for frequent tardiness. He mired himself in clerical tasks rather than the job at hand, failed to work with a plan to get him back on track, and eventually accepted a voluntary demotion. After the demotion, the claimant still had a high error rate, arrived to work late, wasted time on clerical tasks, and read the want ads at work. The court found the claimant's failure to conform to a reduced expectation of performance indicated an intentional and substantial disregard of the employer's interests such as to constitute misconduct. The court also noted the cost to the employer of having its other employees straighten out the claimant's mistakes. It stated, "[w]hile inefficiency or sub-standard performance are not misconduct where they result from inability, a different result obtains where a capable employee refuses to perform. An employee's refusal to apply himself where he is able can evidence an intentional and substantial disregard of the employer's interests." 449 So. 2d at 383. *See also Bozzo v. Safelite Glass Corporation*, 654 So. 2d 1042 (Fla. 3d DCA 1995); *Brownstein v. Hartwell Enterprises, Inc.*, 647 So. 2d 1004 (Fla. 3d DCA 1994); *Sassi v. Five Star Productions*, 623 So. 2d 864 (Fla. 4th DCA 1993).[1]

We emphasize that such cases often turn on inferences as to why performance was poor or mistakes were made that must be drawn carefully from well-developed evidentiary records and factual findings. It is not sufficient to establish misconduct just to show a pattern of errors and mistakes; the referee must address why these mistakes were made. On the other hand, it is not sufficient merely to ask an employee if he was "working to the best of his ability" and make a dispositive finding based on such conclusory testimony alone.

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[1] *See* R.A.A.C. Order No. 15-00807 (August 27, 2015), available at http://www.floridajobs.org/finalorders/raac_finalorders/15-00807.pdf, for further analysis of the issue of poor performance.

We recognize that discerning the ultimate cause of errors is one of the more challenging tasks a referee must perform, and there is no uniform approach that will always suffice. Nonetheless, there are some common factors that arise in such cases that the referee should address, analyze and apply in cases involving a discharge caused by a failure to perform duties satisfactorily:

(1) What is the employee's history of training, performance, counseling, and warning with respect to the tasks he was expected to perform? Did the record establish that the claimant was routinely capable of performing the task(s) correctly? Alternatively, did the claimant's performance improve after warning, then subsequently fall back to unacceptable levels?

(2) How difficult is the task(s) at issue? More complex tasks are harder to perform correctly; therefore, error is likely to occur more often even if an appropriate effort is made.

(3) How serious were the mistakes, and what were their consequences or potential consequences? Particularly with respect to the issue of negligence, an employee should exercise greater care in performing duties that have more serious consequences if performed erroneously.

(4) What was the degree of the performance failure? Did the claimant make minor errors when performing a task, or did the claimant fail to complete a known and obvious step? For example, in R.A.A.C. Order No. 14-04236 (November 24, 2014), *aff'd per curiam*, No. 1D15-101 (Fla. 1st DCA July 24, 2015), the Commission affirmed the referee's disqualification of the claimant, an experienced painter, for failing to perform known steps or tasks during his work.

(5) What are the capabilities and work experience of the claimant? How do they compare with other employees who successfully perform the same work?

(6) Why do the parties think the mistakes or other problems occurred? What is the basis for that belief?

In determining the cause of performance failures, an understanding of the specific tasks the claimant was required to perform is also helpful. The referee should try to determine exactly what the claimant was supposed to do, and what s/he did wrong, or failed to do.

In this case, the referee held the claimant not disqualified from receipt of benefits, reasoning that her poor work performance resulted from miscommunication and a high workload rather than a lack of effort. While the referee's *basic* findings are supported, the referee's ultimate findings and conclusions do not reflect that the referee analyzed the claimant's performance issues under the appropriate legal standards.

Additionally, the record reflects the referee ignored the employer's testimony concerning the directives and warnings issued to the claimant concerning her job duties and performance and failed to develop the record regarding the claimant's response to the employer's allegations. First, the referee failed to recognize the employer's testimony concerning the claimant's attendance on May 15, 2015. Both parties agreed that the claimant worked from her home and was required to sign on to her home computer by noon on May 15. The president asserted he instructed the claimant that, when her home internet service failed to function, she was required as a practice to use her cell phone or seek operational internet outside her home to sign on to her work computer at noon as scheduled and complete her work. The president further asserted that the claimant did not respond to his emails or telephone calls until after 4:30 p.m. on May 15, and did not sign on to her computer until 5:00 p.m. on that day. The claimant did not rebut the employer's witness' testimony concerning the requirement that she use her cell phone under such circumstances; however, the referee failed to question the claimant as to why she did not use her cell phone to sign on to her work computer to work as scheduled or answer the employer's calls earlier in the day. The president also testified he issued the claimant a third strike warning by email on May 15 in response to her failure to follow his directives to sign on to her work computer in a timely fashion. Again, the referee failed to question the claimant about this assertion.

Second, the president testified that on May 16, 2015, at approximately 1:33 p.m., which was several hours before the claimant's workday was scheduled to end, he sent the claimant an email stating her end of the day emails to the employer had been inconsistent and that the employer needed her to cover four main areas in these emails to the employer. The president testified that he advised the claimant in the email that her compliance with the employer's directives was crucial to "the success of [the employer] which is your job security" and requested that she confirm her understanding by email. The president testified that the claimant confirmed her receipt of his email and acknowledged her understanding of his directive by an email sent at 1:34 p.m. on May 16; however, he testified that the claimant failed to send an end of the day email at all on May 16 and sent an incomplete email on May 17, 2015.

The referee's finding that the claimant sent a short end-of-the-day email rather than a detailed email on May 16 is not supported by the record and is rejected by the Commission. The referee did not question the claimant about whether she sent an email at all on May 16; instead, the claimant contended that she sent a short end-of-the-day email on May 17 because she wanted to be done with her workday.

Third, the employer's witnesses testified that the claimant scheduled an employer representative to report to a client's store on May 17 after the client specifically advised the employer that it did not want the representative in any of its stores. While the claimant agreed with the employer's testimony that she sent the wrong representative due to a mistake, the referee failed to ascertain why the claimant made this mistake or if she was fully aware of the client's directives.

Fourth, the president testified that, according to employer procedure, the claimant was required to receive written confirmation from the client that it would cover the hotel costs of the employer's employees. The president testified the claimant failed to receive this written approval from a client, which resulted in the employees and employer having to pay the cost for the hotel room themselves. While the claimant agreed that she did not receive written approval from the client, the referee did not ascertain if the claimant was aware that she was required to receive written approval or ask the claimant why she did not seek such written approval.

Finally, the referee failed to recognize the employer's evidence that the claimant failed to confirm the status of two of the employer's employees as required, failed to verify the attendance of representatives at a client's store and incorrectly reported their attendance to the employer and client, and failed to respond to the supervisor's request to provide her with status updates on the rescheduling of employees. The referee further did not develop the record by questioning the claimant about any of these final issues to determine if and/or why she failed to take these actions.

Because the referee did not develop the record by questioning the claimant about her actions and failures as alleged by the employer's witnesses, and the referee's decision does not address evidence presented by the employer, the Commission remands the case for a supplemental hearing to develop the record regarding the claimant's performance history in more detail, and the entry of a new decision containing ultimate findings regarding the cause of the performance issues and addressing the issue of whether, given the claimant's performance record, she was discharged for misconduct based on the standards enunciated herein. The

decision should also contain, if necessary, an appropriate credibility determination in accordance with Florida Administrative Code Rule 73B-20.025, and the referee is directed to address the employer's documentary evidence in accordance with Florida Administrative Code Rule 73B-20.024(3)(e). 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, although the employer's chargeability was included as an issue in both the initial determination dated June 17, 2015, and the referee's decision in this case, the applicable period of employment at issue is not in the claimant's base period of her current claim. Therefore, the employer's account cannot be charged as a result of this separation. If a future claim for benefits is filed by the claimant, a decision with respect to the employer's chargeability due to this separation will be made at that time.

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
11/9/2015 ,
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: Kimberley Pena
Deputy Clerk

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

*44793006 *

Docket No.0026 2148 06-02 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.

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.

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 for the employer as an assistant project manager from 3/9/2015 to 5/18/2015. On 5/15/2015 the claimant was scheduled to start work at noon but did not have internet access. She did not get access until 5 PM. The employer contacted her to do work through email on her cell phone which the claimant did call to speak with the employer and sent an email. On 5/16/2015 the claimant did not send a detailed end of the day email to the employer as required but rather a short, quick email. On 5/17/2015 the claimant scheduled a representative that a client did not want. On 5/18/2015 the claimant did not confirm 2 representatives had contracts prepared and received them. That same day there was confusion as to who would pay for hotel stay for representatives. The claimant received verbal confirmation for 2 employees to have their hotel stay paid for but did not get the confirmation in writing. The client denied this arrangement and the employees had to pay for the hotel themselves. The employer discharged the claimant for unsatisfactory work performance on 5/18/2015.

CONCLUSION OF LAW: Florida Statute §443.036 (29), defines “misconduct” 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 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 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 shows that the claimant was discharged for unsatisfactory work performance on 5/18/2015. The claimant did not have access on 5/15/2015 to use the internet. She did notify the employer and communicated using her cell phone with the employer. The employer alleged the claimant did not send an “end of the day” email to notify the employer of the work completed on 5/16/2015. The claimant provided competent evidence she did send the email but that it was short because she wanted to be done with work for the day. There was confusion on both 5/17/2015 when the claimant scheduled representatives the client did not want and when she did not get approval for hotel stay for two representatives from a client. The claimant did get approval but it was verbal. The employer admitted the claimant did have a high workload. Where no evidence was presented indicating that the claimant’s incompetent performance was the result of a lack of effort, any wrongful intent, a deliberate disregard of workplace rules, or an indifference to the employer's interests, unsatisfactory job performance did not disqualify her from receipt of Unemployment Compensation benefits. Pereira v. Unemployment Appeals Comm'n, 745 So.2d 573 (Fla. 5th DCA 1999). The claimant’s performance was not the result of a lack of effort as the employer stated, but rather miscommunication and a high workload. She did do the work assigned and to the best of her ability. The claimant’s actions are not a conscious disregard of the employer’s interests. The claimant is qualified for benefits for the weeks starting 5/17/2015.

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 was discharged for misconduct connected with the work. The discharge was for reasons other than misconduct connected with work, therefore the employer’s tax record will be charged for benefits paid in connection with this claim.

DECISION: The determination dated 6/17/2015 is**REVERSED.** The claimant is qualified for benefits for the weeks starting 5/17/2015. The employer’s record will be charged for benefits paid in connection with this claim.

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 August 10, 2015.

R. RUSEK
Appeals Referee

By: C E Dimanche

CONNIE DEMORANVILLE, 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.
