

**STATE OF FLORIDA**  
**REEMPLOYMENT ASSISTANCE APPEALS COMMISSION**

In the matter of:

Claimant/Appellant

R.A.A.C. Order No. 17-02128

vs.

Referee Decision No. 0030725631-02U

Employer/Appellee

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**ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION**

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This case comes before the Commission for disposition of the claimant's appeal pursuant to Section 443.151(4)(c), Florida Statutes, of a referee's decision which held the claimant disqualified from receipt of benefits and overpaid, and the employer's account noncharged for benefits paid on the claim.

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; 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; and whether the employer's record is eligible for relief of benefit charges in connection with this claim as provided in Section 443.131(3), Florida Statutes, or as otherwise provided by law.

The referee made the following findings of fact:

The claimant started working as a full-time electrician helper with the employer, an electrical contracting business, in May 2016. The employer has a written attendance policy that indicates that employees are expected to report to work during normal business hours and failure to do so will result in warnings. The policy further indicates that if the employee fails to correct their attendance infractions, it may lead [to] and result in termination.

The claimant was issued three verbal warnings during the earlier portion of December 2016 for his attendance. The claimant's attendance issues were due to his complaint of not having enough funds to pay for parking. The claimant was given a few raises so that he could pay for parking but still the issue persisted. The claimant was warned two weeks prior to December 18, 2016, that if he did not correct his attendance issues, it would lead [to] and result in termination. On December 18, 2016, the claimant reported late to work. The claimant couldn't find parking and indicated that he was not going to pay for parking. The claimant was discharged in December 2016, for attendance.

The claimant applied for assistance and established a claim effective April 2, 2017, with an assigned weekly benefit amount of \$275. The claimant was issued benefit payments of \$275 per week for the weeks ending April 15, 2017, to April 29, 2017, totaling in the amount of \$825.

Based on these findings, the referee held the claimant disqualified from receipt of benefits and overpaid, and the employer's tax account noncharged. Upon review of the record and the arguments on appeal, the Commission concludes procedural errors occurred during the hearing process, the record was not sufficiently developed, and the referee's decision is legally inadequate; accordingly, the case must be remanded.

At the beginning of the hearing, the referee explained the hearing procedures that would be followed, which included each party's right to cross-examine the other party's witnesses. Although the employer was given a proper opportunity to cross-examine the claimant, the claimant was not fully afforded the same opportunity. The record reflects that while the claimant was in the process of conducting his cross-examination of the employer's witness, the field superintendent, the referee stopped the claimant's cross-examination abruptly and subsequently moved forward with the hearing without allowing the claimant to complete his cross-examination. Additionally, after the claimant made one statement on rebuttal, the referee terminated the claimant's rebuttal statement without allowing the claimant to complete his rebuttal statement. Thereafter, the referee issued a decision unfavorable to the claimant.

Pursuant to Florida Administrative Code Rule 73B-20.024(3)(b), the referee is charged with preserving each party's rights to due process, including the right to present evidence and the right to cross-examine witnesses. The claimant in this case was not afforded a full opportunity to present his rebuttal statement and to cross-examine the employer's witness, the field superintendent. A review of the record reflects the parties presented conflicting evidence regarding the circumstances of the claimant's job separation. Accordingly, the denial of the claimant's right to fully present his rebuttal statement and to conduct cross-examination constitutes fundamental procedural error. When the fairness of the proceedings has been substantially impaired by material errors in procedure or a failure to follow prescribed procedure, the requirements of due process entitle a party to a new hearing. *See Revell v. Florida Department of Labor and Employment Security*, 371 So. 2d 227, 231 (Fla. 1st DCA 1979).

Additionally, the record reflects the claimant was discharged for continued tardiness. The employer's witnesses testified the claimant was late arriving to work on multiple occasions during the last two weeks of his employment for which he was issued three verbal warnings. The final incident of tardiness purportedly occurred on the claimant's last day of work. According to the employer's witnesses, the claimant was late arriving to work because he could not find parking and he was unwilling to pay for parking. The referee, however, did not question the claimant to determine whether he was late reporting for work on his last day of work and during his last two weeks of employment. On remand, the referee must question the claimant regarding whether he was late arriving to work on his last day of work and during the last two weeks of his employment and, if so, the reasons for his tardiness. While the employer's witnesses testified the claimant was issued verbal warnings for his tardiness during the last two weeks of his employment, the claimant denied having been issued any warnings. On remand, the referee must resolve this and all material conflicts in the evidence with an appropriate conflict resolution in accordance with Florida Administrative Code Rule 73B-20.025(3)(d)2. Finally, while the referee asked the field superintendent whether he had advised the claimant that failure to correct his attendance issues would lead to his discharge, the field superintendent never actually answered this question. Accordingly, the referee's finding that the claimant was warned that his failure to correct his attendance issues would result in his termination is not supported by substantial competent evidence. On remand, the referee must question the field superintendent anew to determine whether the claimant was ever placed on notice that his job was in jeopardy due to his tardiness.

Moreover, regarding the issues of overpayment and the employer's chargeability, Section 443.151(3)(a), Florida Statutes, provides in pertinent part:

Notices of claim.—The Department of Economic Opportunity shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer or its agent fails to timely or adequately respond to the notice of claim or request for information, the employer's account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b).

Further, Section 443.151(6)(c), Florida Statutes, states:

Any person who, by reason other than fraud, receives benefits under this chapter to which she or he is not entitled *as a result of an employer's failure to respond to a claim within the timeframe provided in subsection (3)* is not liable for repaying those benefits to the department on behalf of the trust fund or to have those benefits deducted from any future benefits payable to her or him under this chapter (emphasis added).

Whether the employer submitted a timely response to the notice of claim (Form UCB-412), therefore, is key not only to determining whether the employer is eligible for noncharging in connection with a claim, but also potentially as to whether a claimant will be liable for an overpayment. Department records reflect that a notice of claim was mailed/posted to the employer on April 6, 2017. On remand, the referee must determine when the response to the notice of claim was due to be returned, whether it was returned by that date, and if it was not, whether it was delayed for reasons other than the employer's failure to respond properly and timely, such as misdirection of the form to the wrong party or mailing address, non-receipt of the form by the employer, or the Department's failure to promptly process the response on receipt. If the record reflects an untimely or nonexistent response to the notice of claim for reasons attributable to the employer, the employer's account is not eligible for relief of benefit charges.

As to the issue of overpayment, the referee has already properly developed the record and made findings regarding the amount of overpaid benefits. On remand, the referee must now determine whether the claimant received the benefits at issue *as a result of* any failure by the employer to submit a timely response. This analysis requires the referee to examine the chronology and progression of the application and claims for benefits, payment of benefits, issuance and return of the notice of claim form, and the adjudication process. In particular, the referee should determine when the return of the notice of claim form was due, when it was received, and when the non-monetary determination addressing the job separation was entered. The referee should further compare the benefits received to the timing of the due date of the notice of claim form. The referee should also attempt to determine, given the available evidence, whether any untimely and unexcused return of a notice of claim impacted the timing of adjudication's entry of the non-monetary determination addressing the separation. Specifically, the referee should determine whether or not adjudication entered a non-monetary determination approving benefits because it lacked relevant information, or it entered a non-monetary determination denying benefits later than it normally would because of untimely receipt of the employer's response. After conducting these analyses, the referee must determine whether the benefits received by the claimant were received as a causal result of any failure to timely respond, thus relieving the claimant of responsibility for the overpayment.

Our own review of the administrative record reflects the following as the chronology of this case:

- The claimant filed her application effective April 2, 2017
- The Department mailed the notice of claim to the employer on April 6, 2017; the response was due on April 26, 2017
- The claimant applied for and received benefits for weeks ending April 15, 2017 through April 29, 2017
- The Department docketed receipt of the employer's completed notice of claim on May 4, 2017<sup>1</sup>
- The Department issued a "Notice of Disqualification" non-monetary determination regarding the claimant's separation on May 19, 2017

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<sup>1</sup> As noted above, although the employer's response to the notice of claim was docketed as received after the due date, the form may be deemed timely returned if the delay was caused by reasons other than the employer's failure to respond.

In summary, on remand the referee is directed to notice the issues of the timeliness of the employer's response to the notice of claim and overpayment liability, and develop the record regarding whether the employer's response to the notice of claim was timely returned and whether any overpayment received by the claimant resulted from the employer's failure to submit a timely response. The referee should attach relevant documentation from the claim file to the notice of hearing, including those items referenced in the chronology above, to verify with the parties in order to assist in making the relevant factual findings.

In order to address the foregoing issues, the referee's decision is vacated and the case is remanded for the referee to convene a supplemental hearing, allow the claimant an additional opportunity to cross-examine the field superintendent and provide additional testimony regarding the circumstances of his job separation, further develop the record in accordance with this order, and render a new decision that contains accurate and specific findings of fact regarding the circumstances surrounding the claimant's job separation and subsequent claim for benefits and a proper analysis of those facts, along with an appropriate conflict resolution. Any hearing convened subsequent to this order shall be deemed supplemental, and all evidence currently in the record shall remain in the record.

The referee's decision is vacated and the case is remanded for further proceedings in accordance with this order.

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  
10/31/2017,  
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: Brandy Humphries  
Deputy Clerk



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



\*63195169 \*

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**Docket No.0030 7256 31-02**

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

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***CLAIMANT/Appellant***

***EMPLOYER/Appellee***

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APPEARANCES:

Claimant

Employer

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### **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), (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.)

**Issues Involved:** 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 Department, pursuant to Sections 443.151(6); 443.071(7), 443.1115; 443.1117, Florida Statutes and 20 CFR 615.8.

**Findings of Fact:** The claimant started working as a full-time electrician helper with the employer, an electrical contracting business, in May, 2016. The employer has a written attendance policy that indicates that employees are expected to report to work during normal business hours and failure to do so will result in warnings. The policy further indicates that if the employee fails to correct their attendance infractions, it may lead and result in termination. The claimant was issued three verbal warnings during the earlier portion of December, 2016, for his attendance. The claimant's attendance issues were due to his complaint of not having enough funds to pay for parking. The claimant was given a few raises so that he could pay for parking but still the issue persisted. The claimant was warned two weeks prior to December 18, 2016, that if he did not correct his attendance issues, it would lead and result in termination. On December 18, 2016, the claimant reported late to work. The claimant couldn't find parking and indicated that he was not going to pay for parking. The claimant was discharged in December, 2016, for attendance.

The claimant applied for assistance and established a claim effective April 2, 2017, with an assigned weekly benefit amount of \$275. The claimant was issued benefit payments of \$275 per week for the weeks ending April 15, 2017, to April 29, 2017, totaling in the amount of \$825.

**Conclusions of Law:** The Reemployment Assistance Law of Florida 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 hearing record reflects that the employer was the initiating party in the separation; therefore, the claimant is considered to have been discharged. The burden of proving misconduct is on the employer. Lewis v. Unemployment Appeals Commission, 498 So.2d 608 (Fla. 5th DCA 1986). The proof must be by a preponderance of competent substantial evidence. De Groot v. Sheffield, 95 So.2d 912 (Fla. 1957); Tallahassee Housing Authority v. Unemployment Appeals Commission, 483 So.2d 413 (Fla. 1986). It was shown that the claimant was discharged for attendance. The testimonies of the employer representative and witness illustrates that the claimant had received at least three warnings for attendance. It was further shown that the claimant accrued attendance infractions because he did not want to pay for parking. The claimant's actions as described by the employer, demonstrates 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. As such, the claimant shall remain disqualified from the receipt of benefits.

The law provides that a claimant who was not entitled to benefits received must repay the overpaid benefits to the Department. The law does not permit waiver of recovery of overpayments.

The entry into evidence of a transaction history generated by a personal identification number establishing that a certification or claim for one or more weeks of benefits was made against the benefit account of the individual, together with documentation that payment was paid by a state warrant made to the order of the person or by direct deposit via electronic means, constitutes prima facie evidence that the person claimed and received reemployment assistance benefits from the state.

The record reflects that the claimant applied for assistance and established a claim effective April 2, 2017, with an assigned weekly benefit amount of \$275. It was shown that the claimant was issued benefit payments of \$275 per week for the weeks ending April 15, 2017, to April 29, 2017, totaling in the amount of \$825. The hearing record reveals that the claimant was discharged for misconduct connected to work; therefore, the benefit payments totaling in the amount of \$825 is an overpayment and subject to recovery or recoupment by the Department.

**Decision:** The determination dated May 19, 2017, is AFFIRMED.

**THE SPANISH TRANSLATION IS PROVIDED FOR REASONS OF CONVENIENCE ONLY. THE ENGLISH VERSION IS THE OFFICIAL DECISION.**

LA TRADUCCIÓN AL ESPAÑOL SE FACILITA SOLAMENTE CON PROPÓSITOS DE ASISTENCIA. LA VERSIÓN EN INGLÉS ES LA DECISIÓN OFICIAL.

**SEPARACION:** Si el/la reclamante dejo el trabajo temporal para regresar inmediatamente cuando se le llamo a trabajar la unidad de empleo permanente que temporalmente termino el empleo del reclamante dentro de los 6 meses del calendario previos o dejo el trabajo para trasladarse como resultado de un cambio de estación permanente de la estación militar del esposo/a, activación, o despliegue; conforme a la Sección 443.101 (1), de los Estatutos de la Florida.

**SOBREPAGO:** Si el/la reclamante recibió beneficios los cuales no tenía derecho a recibir, y siendo así, si los beneficios se verán a ser recuperados o recobrados por el Departamento, conforme a las Secciones 443.151(6); 443.071(7), 443.1115; 443.1117, de los Estatutos de la Florida y 20 CFR 615.8.

**COBROS AL REGISTRO DE EMPLEO DEL EMPLEADOR:** Si los beneficios pagados al reclamante serán cobrados al registro de empleo del empleador, conforme a las Secciones 443.101(9); 443.131(3)(a), de los Estatutos de la Florida; Normas 73B10.026; 11.018, del Código Administrativo de la Florida. (Si cobros al empleador no es un tema a tratar en la reclamación actual, la audiencia puede determinar cobros en una reclamación subsiguiente.)

**Determinación de los hechos:**El reclamante empezó a trabajar como ayudante de electricista a tiempo completo para el empleador, una empresa de electricidad, en mayo de 2016. El empleador tiene una política de asistencia que indica que se espera que los empleados se presenten a trabajar durante las horas laborales y si no lo hacen se les podría emitir en una advertencia. La política además indica que si el empleado no corrige sus infracciones de asistencia, podría ser despedido. El reclamante recibió 3 advertencias verbales durante los primeros días de diciembre del 2016, por su asistencia. Estos problemas de asistencia se debieron a su queja de no tener suficientes fondos para pagar el estacionamiento. Él recibió algunos aumentos para que pueda pagarlo, pero el problema persistió. Fue advertido dos semanas antes del 18 de diciembre de 2016, que si no corregía sus problemas de asistencia, sería despedido. El reclamante llegó a trabajar tarde el 18 de diciembre de 2016. No pudo encontrar estacionamiento e indicó que no iba a pagar por el estacionamiento. El reclamante fue despedido en diciembre del 2016 por su asistencia.

El reclamante solicitó asistencia y presentó un reclamo con vigencia desde el 2 de abril de 2017, con una cantidad asignada de beneficio semanal de \$275. Él recibió beneficios de \$275 por semana desde la semana que terminó el 15 de abril de 2017 hasta la que terminó el 29 de abril de 2017, por un monto total de \$825.

**Conclusión legal:** A partir de Mayo 17, 2013, la Ley de la Florida de Asistencia de Reempleo define la mala conducta en conexión al trabajo de la siguiente manera, pero no se limita a, lo siguiente, lo cual no puede interpretarse como 'pari materia' uno con el otro:

- a. Conducta demostrando el ignorar conscientemente los intereses del empleador y que sea una violación deliberada o el ignorar los estándares razonables de comportamiento que el empleador espera de sus empleados. Dicha conducta puede incluir, pero no se limita a, daños intencionales a una propiedad del empleador que resulte en daños de más de \$50; robo de propiedad del empleador, de un cliente o un invitado del empleador.
- b. Descuido o negligencia o repetición de esto hasta el punto que manifieste culpabilidad, o intenciones ilegales, o demuestra el ignorar intencional y sustancialmente los intereses del empleador o de las responsabilidades y obligaciones del empleado hacia su empleador.
- c. Ausencia o tardanza crónica hecha deliberadamente en violación de una política conocida del empleador o una o más ausencias sin autorización después de una amonestación por escrito o una advertencia relacionada a más de una ausencia sin autorización.
- d. Una violación intencional y deliberada de un estándar o regulación de este estado por un empleado de un empleador con licencia o certificado por el estado, dicha violación le causaría al empleador el ser sancionado o la suspensión de dicha licencia o certificado de parte del estado.
- e. I. Una violación de las normas del empleador, a menos que demuestre lo

siguiente:

- a. El o ella no sabía, y razonablemente no podía saber, de las normas y requisitos;
- b. La norma no es legal o no es razonable en relación al ambiente y desempeño del trabajo; o
- c. La norma no es justa o no se aplica consistentemente.

2 Dicha conducta puede incluir, pero no se limita a, el cometer una agresión criminal o agresión física con otro empleado, o un cliente o invitado del empleador, o cometer abuso o negligencia con un paciente, residente, persona discapacitada, persona anciana, o niño/a bajo su cuidado personal.

El acta de la audiencia muestra que el empleador fue la parte que inició la separación; por lo tanto, se considera que el reclamante fue despedido. La carga de probar mala conducta recae sobre el empleador. Lewis v. Unemployment Appeals Commission, 498 So.2d 608 (Fla. 5th DCA 1986). La prueba debe ser por una preponderancia de pruebas sustancialmente válidas. De Groot v. Sheffield, 95 So.2d 912 (Fla. 1957); Tallahassee Housing Authority v. Unemployment Appeals Commission, 483 So.2d 413 (Fla. 1986). Se demostró que el reclamante fue despedido por su asistencia. Las declaraciones del representante del empleador y el testigo muestran que el reclamante recibió por lo menos tres advertencias por su asistencia. Además se demostró que el reclamante acumuló infracciones de asistencia porque no quería pagar el estacionamiento. Las acciones del reclamante descritas por el empleador demuestran un desprecio consciente de los intereses del empleador y se considera una violación deliberada o desprecio de los estándares razonables de conducta que el empleador espera de sus empleados. Como tal, el reclamante debe quedar descalificado

para recibir beneficios.

La ley estipula que un reclamante quien no tenía derecho a beneficios recibidos debe reembolsar el sobrepago de beneficios al Departamento. La ley no permite una exención en la recuperación de sobrepago.

Presentar como prueba un historial de transacciones generado con un número de identificación personal estableciendo que una certificación o reclamación para una o más semanas de beneficios fue hecha en la cuenta de beneficios del individuo, conjuntamente con documentación que se hizo un pago con un cheque o promesa del estado a la orden de la persona, o electrónicamente vía depósito directo, constituye prueba prima facie o prueba de primera vista que la persona reclamó y recibió beneficios de asistencia de reemplazo del estado.


El acta muestra que el reclamante solicitó ayuda y estableció un reclamo con vigencia desde el 2 de abril de 2017, con una cantidad de beneficio semanal asignada de \$275. Se demostró que el reclamante recibió pagos de beneficios de \$275 por semana, desde la semana que terminó el 15 de abril de 2017 hasta la que terminó el 29 de abril de 2017, por un monto total de \$825. El acta de la audiencia muestra que el reclamante fue despedido por conducta laboral indebida; por lo tanto, se determina que los beneficios pagados por un monto total de \$825 son un exceso de pago y deberán ser reembolsados al Departamento.

**Decision:** Se **AFIRMA** la determinación fechada el 19 de mayo de 2017.

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 July 19, 2017.

**D. ETIENNE**  
Appeals Referee



By:

DAISY L. WILKINS, 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 20<sup>th</sup> 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](https://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 the last five digits of the 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.

There is no cost to have a case reviewed by the Commission, nor is a party required to be represented by an attorney or other representative to have a case reviewed. The Reemployment Assistance Appeals Commission has not been fully integrated into the Department's CONNECT system. While correspondence can be mailed or faxed to the Commission, no correspondence can be submitted to the Commission via the CONNECT system. All parties to an appeal before the Commission must maintain a current mailing address with the Commission. A party who changes his/her mailing address in the CONNECT system must also provide the updated address to the Commission, in writing. All correspondence sent by the Commission, including its final order, will be mailed to the parties at their mailing address on record with the Commission.

**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 envío 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 reembolsar 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](https://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 los últimos cinco dígitos del 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.

No hay ningún costo para tener un caso revisado por la Comisión, ni es requerido que una parte sea representado por un abogado u otro representante para poder tener un caso revisado. La Comisión de Apelación de Asistencia de Reempleo no ha sido plenamente integrado en el sistema CONNECT del Departamento. Mientras que la correspondencia puede ser enviada por correo o por fax a la Comisión, ninguna correspondencia puede ser sometida a la Comisión a través del sistema CONNECT. Todas las partes en una apelación ante la Comisión deben mantener una dirección de correo actual con la Comisión. La parte que cambie su dirección de correo en el sistema CONNECT también debe proporcionar la dirección actualizada a la Comisión, por escrito. Toda la correspondencia enviada por la Comisión, incluida su orden final, será enviada a las partes en su dirección de correo en el registro con la Comisión.

**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](https://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 senk dènye chif nimewo sekirite sosyal demandè a 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.

Pa gen okenn kou pou Komisyon an revize yon ka, ni ke yon pati dwe reprezante pa yon avoka oubyen lòt reprezantan pou ke la li a revize. Komisyon Apèl Asistans Reyanbochaj pa te entegre antyèman nan sistèm CONNECT Depatman an. Byenke korespondans kapab fakse oubyen pòste bay Komisyon an, okenn korespondans pa kapab soumèt bay Komisyon an atravè sistèm CONNECT. Tout pati ki nan yon apèl devan Komisyon an dwe mentni yon adrès postal ki ajou avèk Komisyon an. Yon pati ki chanje adrès postal li nan sistèm CONNECT la dwe bay Komisyon an adrès ki mete ajou a tou. Tout korespondans ke Komisyon an voye, sa enkli manda final li, pral pòste voye bay pati yo nan adrès postal yo genyen nan achiv Komisyon an.

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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.