STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellee

R.A.A.C. Order No. 13-07307

vs.

Referee Decision No. 13-67812U

Employer/Appellant

ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

I.
Introduction

This case comes before the Commission for disposition, pursuant to Section 443.151(4)(c), Florida Statutes, of an appeal of the decision of a reemployment assistance appeals referee. The referee's decision stated that a request for review should specify any and all allegations of error with respect to the referee's decision, and that allegations of error not specifically set forth in the request for review may be considered waived.

By law, the Commission's review is limited to those matters that were presented to the referee and are contained in the official record. A decision of an appeals referee cannot be overturned by the Commission if the referee's material findings are supported by competent and substantial evidence and the decision comports with the legal standards established by the Florida Legislature. The Commission cannot reweigh the evidence or consider additional evidence that a party could have reasonably been expected to present to the referee during the hearing. Additionally, it is the responsibility of the appeals referee to judge the credibility of the witnesses and to resolve conflicts in evidence, including testimonial evidence. Absent extraordinary circumstances, the Commission cannot substitute its judgment and overturn a referee's conflict resolution.

II.
The Proceedings Below

This case appears before the Commission on an appeal from a decision on the merits entered on August 15, 2013, in which the appeals referee held the claimant was not disqualified from benefits because her voluntarily quitting work was for good cause attributable to the employer. *See* §443.101(1)(a), Fla. Stat. The referee conducted an evidentiary hearing on August 14, 2013. The claimant, who was provided a translator for the hearing, appeared pro se and presented no witnesses. The employer was represented by its [human resources supervisor], and presented several witnesses including the claimant's immediate supervisor, the director of administration, and an administrative assistant.

Based on the evidence presented at the hearing, the referee made the following findings of fact:

> The claimant worked for the employer of record, a medical device manufacturer, as an assembler from July 14, 2008, through June 14, 2013. The claimant was residing in Naples, Florida, at the time she began working for the employer as a fulltime employee in 2008. The claimant owns a home in Naples and has a child that requires care after her normal scheduled work time. The claimant's residence was located 5.6 miles from the employer's jobsite. The company was purchased by a new owner in December 2012. The employees were advised that the company would be relocating to a new location. In June 2013, the company relocated its jobsite to Lehigh Acres, Florida. The new location is 37.8 miles from the employer's old facility. The claimant spoke with her supervisor on June 15, 2013, to see if she could receive directions to the new facility. The claimant was not given directions. The new facility is 36.8 miles from the claimant's home. The claimant was unable to continue working for the employer because of the change in location. The claimant did not return to work after June 14, 2013. There was no work available for the claimant in Naples because all of the staff was relocating. The claimant received, and was asked to sign, a document from the employer regarding the employer's policy for commuting and carpooling to the employer's facility. The claimant did not speak with the

> managers about potential accommodations. The employer was willing to allow the claimant to report earlier to work to accommodate her need to provide childcare. The claimant quit her position effective June 14, 2013, as a result of the employer's relocation.

The Commission has conducted a thorough review of the evidentiary record. We correct the referee's finding of fact that the employer was willing to allow the claimant to report to work *earlier* to accommodate her childcare needs, to conform to the evidence that the employer was willing to allow the claimant to report to work *later*. This modification, however, does not affect the legal correctness of the referee's ultimate decision. The findings of fact are otherwise supported by competent, substantial evidence and are adopted in this order.

The referee also reached the following material conclusions of law:

> 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). 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).
>
> In this case, the employer unilaterally altered the employment agreement by relocating to a new city, and consequently, increasing the claimant's commute to the jobsite. The employer's actions were such that would impel the average, able-bodied individual to resign from gainful employment. Therefore, the claimant has shown good cause, which is attributable to the employer, for quitting her position. The claimant is therefore not disqualified from the receipt of benefits.
>
> Consideration in this case was given to the employer's contention that the claimant did not make a reasonable effort to preserve the employment relationship prior to leaving. The law provides that an individual will be disqualified for benefits who voluntarily leaves work without good cause attributable to the employing unit. Case law provides that an employee with good cause to leave employment may be disqualified if reasonable effort to preserve the employment was not expended. *See Glenn v. Florida*

> *Unemployment Appeals Commission*, 516 So. 2d 88 (Fla. 3d DCA 1987). *See also Lawnco Services, Inc. v. Unemployment Appeals Commission*, 946 So. 2d 586 (Fla. 4th DCA 2006); *Tittsworth v. Unemployment Appeals Commission*, 920 So. 2d 139 (Fla. 4th DCA 2006). However, in this case, although the claimant did not speak with the employer about accommodations, the record shows that the only accommodation available to the claimant was to arrive at work [later][1] in the morning. Since there was no relief from the claimant's extended commute or provision that would allow the claimant to remain near her home, the referee respectfully rejects the employer's contention.

Based on these findings and conclusions, the referee held the claimant not disqualified from benefits because her quitting was for good cause attributable to the employer. The employer filed a timely request for review.

III.
Issues on Appeal

Among the arguments the employer made in its request for review, the Commission finds two that merit discussion. First, the employer contends the referee erred in ruling the claimant's quitting was for good cause attributable to the employer. Employer's Brief at 5. Second, the employer contends that, because the parties do not dispute that the claimant made no effort to preserve her employment, she must be disqualified from benefits even if she had good cause to quit. Employer's Brief at 8. The Commission will analyze each of these issues in detail.

[1] Modified in accordance with the undisputed evidence, as discussed above.

IV.
Analysis

A. THE REFEREE'S RULING THAT THE EMPLOYER'S ACTIONS CREATED GOOD CAUSE FOR THE CLAIMANT TO QUIT IS SUPPORTED BY UNDISPUTED COMPETENT, SUBSTANTIAL EVIDENCE

The employer first argues that the appeals referee erred in ruling that the claimant's quitting was for good cause attributable to the employer. As noted in the referee's decision, good cause is such cause as would compel a reasonable employee to cease working. §443.101(1)(a)1., Fla. Stat. (codifying *Uniweld Products, Inc. v. Industrial Relations Commission*, 277 So. 2d 827, 829 (Fla. 4th DCA 1973) (good cause is such cause "as will reasonably impel the average, able bodied, qualified worker to give up employment")). The standards of reasonableness are those applied to the average man or woman, not to the supersensitive. *Uniweld*, 277 So. 2d at 829.

With respect to the standard of review on questions of "good cause attributable to the employer," significant inter-district and intra-district conflict exists, as discussed in *Tourte v. Oriole of Naples, Inc.*, 696 So. 2d 1283, 1284 (Fla. 2d DCA 1997). Courts have held that question to be 1) a question of fact, 2) strictly a question of law, and 3) a mixed question of law and fact. *Id*. In *Tourte* the majority recognized that among the court's own body of prior decisions all three standards of review are reflected. *Id*. The majority in *Tourte* stated that it accepted that the question was a mixed question of law and fact, *id.*, but later stated that it was an ultimate fact best left to the fact-finder. *Id*. at 1285 (comparing a reasonable worker to the reasonable prudent person in the negligence context where negligence is "nearly always a question to be determined by the fact-finder"). The majority altogether rejected that the question was purely a matter of law. *Id*. at 1284-85. Judge Altenbernd dissented, noting that the matter is often a mixed question of law and fact and is sometimes a pure question of law. *Id*. at 1286-87 (Altenbernd, C.J., dissenting) ("The common law, however, does not justify a rule which permits individual administrative agency referees to make policy decisions that cannot be reviewed by a multi-member commission of the same agency."). The Second District Court of Appeal did not, however, engage in *en banc* consideration of *Tourte* to overturn the conflicting precedent and resolve its intra-district conflict.

While the applicable standard of review is unresolved, the Commission does not find resolution of that matter to be critical in this case. If the referee's ruling that the claimant quit for good cause attributable to the employer was a factual finding, it is supported by competent, substantial evidence. If the ruling is a conclusion of law or a mixed one of law and fact, the Commission agrees with the referee's conclusion and holds that it is supported by existing case law.

In this case, the parties do not dispute that the employer unilaterally moved its operations, thereby increasing the claimant's commute to work by over thirty miles each way and causing her to quit. The courts have held that an employer's unilateral and substantial change to an employee's terms and conditions of employment may constitute good cause for the employee to quit. *Wilson v. Florida Unemployment Appeals Commission*, 604 So. 2d 1274 (Fla. 4th DCA 1992); *Curras v. Florida Unemployment Appeals Commission*, 841 So. 2d 673 (Fla. 3d DCA 2003); *Tourte*, 696 So. 2d at 1286; *Ogle v. Florida Unemployment Appeals Commission*, 87 So. 3d 1264 (Fla. 1st DCA 2012).

The employer in this case challenges the referee's ruling that the claimant had good cause attributable to the employer on two grounds. First, the employer argues that the change did not constitute an alteration to an "employment agreement," because the claimant was an at-will employee. Employer's Brief at 4. Second, the employer seemingly argues that the referee erred in finding the alteration was substantial enough to constitute good cause. Employer's Brief at 5-6.

With respect to the employer's first argument on this matter, the courts have held that the fact that an employee works at-will, or that an employer is entitled to change an employee's terms and conditions of employment, is not controlling in determining whether a change in conditions constitutes good cause to quit. *Manning v. Florida Unemployment Appeals Commission*, 787 So. 2d 954, 955 (Fla. 4th DCA 2001); *Ferguson v. Henry Lee Co.*, 734 So. 2d 1161 (Fla. 3d DCA 1999); *Tourte*, 696 So. 2d at 1286. With respect to reemployment assistance law, the "agreement of employment" does not refer to a legally binding and enforceable contractual commitment, but merely to the agreed terms of an employee's engagement.

The employer's second argument is that the referee erred in finding the alteration to the claimant's conditions of employment was substantial enough to constitute good cause. Employer's Brief at 5-6. The employer asserts that no case law supports that "conclusion"; however, the substantiality of an alteration to conditions of employment is a question of fact to be resolved by the referee. *Manning v. Florida Unemployment Appeals Commission*, 787 So. 2d 954, 955 (Fla. 4th DCA 2001). The referee's finding of substantiality is supported by competent, substantial evidence that showed the alteration to the work location increased the claimant's commute by thirty miles, the claimant owned her home, and the claimant had a child that required her care during the time she would be commuting to the new location.

The employer asserts that its evidence establishing that only four of its employees quit when it moved its operations compels a different conclusion. Employer's Brief at 5-6. The Commission finds this argument to be unpersuasive. The relocation of a business will not necessarily affect all employees equally. In applying the *Uniweld Products* test, the Commission does not ignore the particular situation that a claimant faces. While the test is an objective one, it is not applied without regard to the facts that a claimant confronts. The relocation of the employer's business would have impacted the commutes for employees differently depending on where they lived with respect to the prior and current location of the business. Additionally, employees may have been unequally impacted by access to transportation, and child care responsibilities. While comparison with other employees may be useful in some cases, it is not, without further facts, overly enlightening here.

This case is readily distinguishable from *Carey McAnally and Company, Inc. v. Woodring*, 629 So. 2d 301 (Fla. 2d DCA 1993), which reinstated a referee's decision that a claimant did not have good cause to quit when the employer ordered her to report to work on her day off in order to clean for a grand opening. While the court noted that cleaning was not outside the scope of the claimant's job duties, was only temporary, and that other employees did not refuse, the court was citing evidence to show the referee's finding that the change was not substantial was supported by competent, substantial evidence. In this case, the fact-finder found that the change was substantial and that finding is supported by competent, substantial evidence, as explained above. Consequently, the Commission cannot reject that finding much the same as it could not reject the finding in *Woodring*.

Other cases relied upon by the employer are also inapposite. *Hill v. Unemployment Appeals Commission*, 686 So. 2d 658 (Fla. 5th DCA 1996), involved an employee who refused an offer of work from a former employer for whom she had always commuted 82 miles to and from work. The majority agreed with the referee and the Commission that the employee was disqualified from benefits because she had previously worked with the employer under the exact same conditions. *Hill*, therefore, involve no alteration to conditions of employment, unlike this case.

Similarly, the employee in *Lozano v. Florida Unemployment Appeals Commission*, 926 So. 2d 388 (Fla. 3d DCA 2005), was not asked to work in a location where she had never before agreed to work. Lozano worked at a Downtown Miami office but was granted a relocation to reduce her commute from sixty minutes to ten minutes. Her new location caught fire necessitating that she be temporarily reassigned back to Downtown Miami, where she previously worked. The court affirmed Lozano's disqualification for quitting because the findings on which the Commission's conclusion was based were supported by competent, substantial evidence. Unlike *Lozano*, the referee in this case found the relocation was substantial, was not temporary and, most significantly, involved a new location at which she had never previously agreed to work.

In *Coolaire Nordic International Corp. v. Florida Department of Commerce*, 356 So. 2d 1317 (Fla. 4th DCA 1978), the court addressed only whether the employer gave the claimant good cause to quit when it ceased providing temporary transportation to its relocated facility. The court specifically declined to address whether an employer's moving its operations forty miles created good cause to quit. *Id*. at 1319. Accordingly, none of the cases cited by the employer stand for the proposition that a referee abuses his discretion in finding an employee's increased commute of more than thirty miles resulting from her employer's relocation to be a substantial alteration to conditions of employment.

The employer also relies on *Beard v. State Department of Commerce*, 369 So. 2d 382 (Fla. 2d DCA 1979), for the proposition that lack of childcare is not good cause to quit. In *Beard* the employee's need for childcare arose as the result of a shift change that was to be expected in the normal course of her employment. Accordingly, *Beard* did not involve a unilateral, substantial change in agreed conditions of employment as occurred in this case.

Since competent, substantial evidence supports the referee's findings that the claimant quit due to the employer's unilateral and substantial alteration to her conditions of employment, we conclude the claimant had good cause to quit within the meaning of the statute. Accordingly, we turn to the question of what effort, if any, the claimant was required to make in order to preserve her employment prior to quitting.

B. THE REFEREE DID NOT ERR IN FINDING THAT THE CLAIMANT'S LACK OF EFFORT TO PRESERVE HER EMPLOYMENT WAS NOT DISQUALIFYING BECAUSE THE EMPLOYER DID NOT DEMONSTRATE SUCH EFFORT WOULD NOT HAVE BEEN FUTILE

The employer's second argument is that, even if the claimant had good cause to quit, she must still be disqualified because she made no effort to preserve her employment prior to quitting. The parties do not dispute the claimant made no effort to preserve her employment. The parties also do not dispute that, had the claimant requested accommodation, the employer would have been willing to alter the claimant's arrival time. However, the referee found that the accommodation the employer was willing to make would not have relieved the claimant of the new burdens associated with the employer's relocation and, therefore, did not nullify her good cause to quit.

Courts have held that the reasonableness of an employee's efforts to rectify a problem with her employer is a question of fact. *Ogle*, 87 So. 3d at 1270; *Kralj v. Florida Unemployment Appeals Commission*, 537 So. 2d 201, 202 (Fla. 2d DCA 1989). In *Ogle*, a car salesman was not paid commission in accordance with the agreement at hire. *Ogle*, 87 So. 3d at 1267. When he realized the discrepancy, he did not bring his concerns with the pay arrangement to the attention of any member of management. *Id*. at 1267-8. The referee concluded the claimant quit with good cause attributable to the employer. *Id*. at 1268. The Commission reversed on the basis that the car salesman did not make a reasonable effort to preserve the employment relationship prior to quitting. *Id*. at 1268-9. The court reversed the Commission's order. While the court acknowledged that an employee may be disqualified based on a failure to make reasonable efforts to preserve employment, it reiterated that a failure to preserve employment will not be found where any such efforts would likely have been futile. *Id*. at 1269-70. Since Ogle's employer did not have a clearly established procedure for resolution of an employee's salary issues, and the evidence did not otherwise reflect there was room within which such a procedure could operate, the employee could not be disqualified for failure to make adequate efforts to preserve his employment. *Id*. at 1270.

In this case, the evidence did not demonstrate that, had the claimant raised her concerns about the relocation, her employment could have been preserved. The evidence reflected that the only accommodation the employer would consider was changing the claimant's arrival time and the referee found that accommodation would not have allayed the claimant's concerns. As in *Ogle*, the evidence tended to show only that effort by the claimant to preserve her employment would have been futile. Consequently, the referee properly concluded the claimant could not be disqualified for failing to make an adequate effort to preserve her employment.

V.
Conclusion

For these reasons, the Commission has determined that the referee's material findings of fact are supported by competent, substantial evidence in the record. The claimant is not disqualified because her quitting was with good cause attributable to the employer.

The referee's decision is affirmed.

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

4/18/2014 ,

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

By: Kady Thomas
Deputy Clerk

DEPARTMENT OF ECONOMIC OPPORTUNITY
Reemployment Assistance Appeals
MSC 350WD CALDWELL BUILDING
107 EAST MADISON STREET
TALLAHASSEE FL 32399-4143

IMPORTANT:	For free translation assistance, you may call 1-800-204-2418. Please do not delay, as there is a limited time to appeal.
IMPORTANTE:	Para recibir ayuda gratuita con traducciones, puede llamar al 1-800-204-2418. Por favor hágalo lo antes posible, ya que el tiempo para apelar es limitado.
ENPÒTAN:	Pou yon intèpret asisté ou gratis, nou gendwa rélé 1-800-204-2418. Sil vou plè pa pràn àmpil tàn, paské tàn limité pou ou ranpli apèl la.

Docket No. **2013-67812U** Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

CLAIMANT/Appellant **EMPLOYER/Appellee**

APPEARANCES: CLAIMANT & EMPLOYER LOCAL OFFICE #: 3669-0

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); 443.036(30), Florida Statutes; Rule 73B-11.020, Florida Administrative Code.

Findings of Fact: The claimant worked for the employer of record, a medical device manufacturer, as an assembler from July 14, 2008, through June 14, 2013. The claimant was residing in Naples, Florida, at the time she began working for the employer as a fulltime employee in 2008. The claimant owns a home in Naples and has a child that requires care after her normal scheduled work time. The claimant's residence was located 5.6 miles from the employer's jobsite. The company was purchased by a new owner in December 2012. The employees were advised that the company would be relocating to a new location. In June 2013, the company relocated its jobsite to Lehigh Acres, Florida. The new location is 37.8 miles from the employer's old facility. The claimant spoke with her

supervisor on June 15, 2013, to see if she could receive directions to the new facility. The claimant was not given directions. The new facility is 36.8 miles from the claimant's home. The claimant was unable to continue working for the employer because of the change in location. The claimant did not return to work after June 14, 2013. There was no work available for the claimant in Naples because all of the staff was relocating. The claimant received, and was asked to sign, a document from the employer regarding the employer's policy for commuting and carpooling to the employer's facility. The claimant did not speak with the managers about potential accommodations. The employer was willing to allow the claimant to report earlier to work to accommodate her need to provide childcare. The claimant quit her position effective June 14, 2013, as a result of the employer's relocation.

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 quit her position with the employer because the employer moved to a new location. The new location was positioned over 36 miles from the claimant's home, whereas, the claimant was previously driving 5.6 miles to travel to the employer's jobsite. 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). 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).

In this case, the employer unilaterally altered the employment agreement by relocating to a new city, and consequently, increasing the claimant's commute to the jobsite. The employer's actions were such that would impel the average, able-bodied individual to resign from gainful employment. Therefore, the claimant has shown good cause, which is attributable to the employer, for quitting her position. The claimant is therefore not disqualified from the receipt of benefits.

Consideration in this case was given to the employer's contention that the claimant did not make a reasonable effort to preserve the employment relationship prior to leaving. The law provides that an individual will be disqualified for benefits who voluntarily leaves work without good cause attributable to the employing unit. Case law provides that an employee with good cause to leave employment may be disqualified if reasonable effort to preserve the employment was not expended. See Glenn v. Florida Unemployment Appeals Commission, 516 So.2d 88 (Fla. 3d DCA 1987). See also Lawnco Services, Inc. v. Unemployment Appeals Commission, 946 So.2d 586 (Fla. 4th DCA 2006); Tittsworth v. Unemployment Appeals Commission, 920 So.2d 139 (Fla. 4th DCA 2006). However, in this case, although the claimant did not speak with the employer about accommodations, the record shows that the only accommodation available to the claimant was to arrive at work earlier in the morning. Since there was no relief from the claimant's extended commute or provision that would allow the claimant to remain near her home, the referee respectfully rejects the employer's contention. The claimant is not subject to disqualification.

The hearing officer was presented with conflicting testimony regarding material issues of fact and is charged with resolving these conflicts. In Order Number 2003-10946 (December 9, 2003), the Commission set forth factors to be considered in resolving credibility questions. These factors

include the witness' opportunity and capacity to observe the event or act in question; any prior inconsistent statement by the witness; witness bias or lack of bias; the contradiction of the witness' version of events by other evidence or its consistency with other evidence; the inherent improbability of the witness' version of events; and the witness' demeanor. Upon considering these factors, the hearing officer finds the testimony of the claimant to be more credible. Therefore, material conflicts in the evidence are resolved in favor of the claimant.

Decision: The determination dated July 18, 2013, is REVERSED. The claimant is not disqualified from the receipt of benefits.

The employer should note that although testimony was presented to show that the employer had updated its address with the Department of Revenue (DOR), the records do not reflect that the address has been updated. The employer's representative should contact the DOR to update its address of record immediately. Failure to update the address may affect future correspondence with the Department of Economic Opportunity and other state agencies.

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 mailed to the last known address of each interested party on August 15, 2013.

ANDREW MORTON
Appeals Referee

By: Janet M. Brunson
JANET M. BRUNSON, Deputy Clerk

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

the top of this decision. The date the confirmation number is generated will be the filing date of a request for reopening on the Appeals Web Site.

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

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

Una parte que no asistió a la audiencia por una buena causa puede solicitar una reapertura, incluyendo la razón por no haber comparecido en la audiencia, en https://iap.floridajobs.org/ o escribiendo a la dirección en la parte superior de esta decisión. La fecha en que se genera el número de confirmación será la fecha de registro de una solicitud de reapertura realizada en el Sitio Web de la Oficina de Apelaciones.

Una parte que asistió a la audiencia y recibió una decisión adversa puede registrar una solicitud de revisión con la Comisión de Apelaciones de Desempleo; 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 nou poste sa a ba ou. Si 20^{yèm} jou a se yon samdi, yon dimanch oswa yon jou konje, jan sa defini lan F.A.C. 73B-21.004, depo an kapab fèt jou aprè a, si se pa yon samdi, yon dimanch oswa yon jou konje. Si desizyon an diskalifye epi/oswa deklare moun k ap fè demann lan pa kalifye pou alokasyon li resevwa deja, moun k ap fè demann lan ap gen pou li remèt lajan li te resevwa a. Se Ajans lan k ap kalkile montan nenpòt ki peman anplis epi y ap detèmine sa lan yon desizyon separe. Sepandan, delè pou mande revizyon desizyon sa a se delè yo bay anwo a; Okenn lòt detèminasyon, desizyon oswa lòd pa ka rete, retade oubyen pwolonje dat sa a.

Yon pati ki te gen yon rezon valab pou li pat asiste seyans lan gen dwa mande pou yo ouvri ka a ankò; fòk yo bay rezon yo pat ka vini an epi fè demann nan sou sitwèb sa a, https://iap.floridajobs.org/ oswa alekri nan adrès

ki mansyone okomansman desizyon sa a. Dat yo pwodui nimewo konfimasyon an se va dat yo prezante demann nan pou reouvri kòz la sou Sitwèb Apèl la.

Yon pati ki te asiste seyans la epi ki pat satisfè desizyon yo te pran an gen dwa mande yon revizyon nan men Reemployment Assistance Appeals Commission, Suite 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151; (Fax: 850-488-2123); **https://raaciap.floridajobs.org/.** Si ou voye l pa lapòs, dat ki sou tenb la ap dat ou depoze apèl la. Si ou depoze apèl la sou yon sitwèb, ou fakse li, bay li men nan lamen, oswa voye li pa yon sèvis mesajri ki pa Sèvis Lapòs Lèzetazini (*United States Postal Service*), oswa voye li pa Entènèt, dat ki sou resi a se va dat depo a. Pou evite reta, mete nimewo rejis la (*docket number*) avèk nimewo sekirite sosyal moun k ap fè demann lan. Yon pati k ap mande revizyon dwe presize nenpòt ki alegasyon erè nan kad desizyon abit la, epi bay baz reyèl oubyen legal pou apiye alegasyon sa yo. Yo p ap pran an konsiderasyon alegasyon erè ki pa byen presize nan demann pou revizyon an.