STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellee

R.A.A.C. Order No. 15-03751

vs.

Referee Decision No. 0025314971-02U

Employer/Appellant

ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

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

Upon consideration, the Commission finds that the appeal of the referee's decision was timely filed. The Commission has jurisdiction to decide the case.

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 referee's decision reflects only one party appeared at the hearing. The decision is corrected to reflect both parties appeared.

The issue before the Commission is whether the claimant voluntarily left work without good cause attributable to the employing unit or was discharged by the employer for misconduct connected with work within the meaning of Section 443.101(1), Florida Statutes.

The referee's findings of fact state as follows:

> The claimant began working as a swing manager for [the employer] in October 2010. The claimant was on an approved vacation from December 20, 2014, through December 28, 2014. The claimant travelled to another state with her boyfriend while

she was on vacation. The claimant was required to return to work December 29, 2014. The claimant could not return to work December 29, 2014, because her boyfriend received a driving citation December 23, 2014, in the state in which they travelled which could not be paid until Monday, December 29, 2014, due to the courts being closed for the holidays. The claimant also could not return to work December 29, 2014, *because the roads were closed due to the weather*. The claimant contacted her supervisor December 23, 2014, and left a message about her inability to report to work. The claimant was told by her supervisor to keep her informed about when she would be returning to work. The claimant received a call from her supervisor December 31, 2014, and was told she was placed on the schedule to work January 5, 2015. The claimant told her supervisor she could not make it to work January 5, 2015, because the roads were covered in ice in the city where she and her boyfriend had travelled. *The claimant subsequently received a call from someone with the employer's business saying she was suspended*. The claimant contacted the area supervisor January 8, 2015, after she received the call *about the suspension* and was told by the area supervisor she had not been suspended, her shift on *January 5, 2015*, had been covered *and he extended her vacation*. The claimant met with the area supervisor on January 9, 2015, and received a written warning during the meeting *for not reporting to work December 29, 2014*. The claimant was also told by the area supervisor January 9, 2015, *another member of management* wanted her to be terminated, but he vouched for her. The claimant was told by the area supervisor he did her a favor and he needed her to do him a favor. The claimant was told by the area supervisor *there was a need for her at another store at a different location*. The claimant told the area supervisor she could not go to the other store because of the distance and that she wanted to stay at the current location. The claimant also told the area supervisor she wanted to wait for *the member of management* that wanted to discharge her to return on Wednesday, January 14, 2015, to see what would happen. The claimant was presented with a resignation notice that the area supervisor typed and was told to sign it. The claimant signed it and performed no further services for the employer after January 9, 2015. (Emphasis added.)

Based on these findings, the referee held the claimant was discharged for reasons other than misconduct connected with work. Upon review of the record and the arguments on appeal, the Commission concludes the decision fails to make all relevant factual findings, and fails to analyze the legal issues properly; consequently, the case must be remanded.

The legal issues raised by this case are complex given the relatively simple fact pattern. To facilitate review on remand, we outline the legal issues the referee may need to address, and the order in which they must be addressed, as necessary.

Adequacy of the Factual Findings

The referee's findings in this case generally track the claimant's testimony and are supported by that evidence. However, the findings do not completely address all the undisputed material evidence of the case, and the record was not sufficiently developed to address all material issues.

Florida Administrative Code Rule 73B-20.025(3)(c) requires the referee, in rendering a decision, to make "[f]indings of fact necessary for resolution of the issues." When a party offers evidence important to the resolution of the issues in a case, it cannot be ignored. Often, the evidence will be contradicted by the other party's evidence which is deemed more credible, and the evidence that is not adopted in the findings is subsumed within the conflict resolution. On other occasions, the evidence, although not rebutted by direct or circumstantial evidence, will not be credible to the referee, who should explicitly reject the evidence in her conclusions. However, this case involves a different issue - the failure to address, *at all*, material evidence offered by one party that was admitted to by the other. Rule 73B-20.025(3)(c) does not permit the referee to decide which party is generally more persuasive and to make only findings consistent with that party's evidence without taking into account admitted, undisputed, or otherwise credible evidence offered by the other party.

In this case, the employer offered evidence that the claimant had been warned for failing to return from her Christmas vacation the prior year. The claimant acknowledged the warning. This was a material fact not addressed in the findings, and places the claimant's attendance issues in December 2014 and January 2015 in a different light. Furthermore, upon introduction of that evidence, the referee should have inquired as necessary to develop the circumstances behind that prior year incident and warning to determine what light it shed on the events proximate to the claimant's separation. On remand, the referee must do so.

Additionally, the findings of fact italicized above are inaccurate or unsupported and, therefore, are rejected. The record does not reflect the claimant was notified of a suspension but, instead, that upon her return home on January 7, 2015, she was notified that her January 8 shift had already been covered and that she was required to meet with the area supervisor on January 9 before returning to work. The record does not reflect that the claimant's vacation "was extended," but instead reflects the employer covered all of the claimant's scheduled shifts because it did not know when she would be back in town and available to return to work. The record does not reflect the January 9 meeting with the area supervisor and the written disciplinary document the claimant signed during that meeting addressed only the claimant's absence on December 29, 2014, but instead reflects the meeting and disciplinary document addressed the claimant's 11-day delay in returning from her scheduled vacation and the resulting absences that occurred during the period from December 29, 2014, through January 8, 2015. The record reflects that it was the owner, not another member of management, who wanted to discharge the claimant, but that the area supervisor "vouched" for the claimant and convinced the owner to allow her to continue working at another store location under a stronger manager. The record reflects the claimant was being transferred to work under a stronger manager because she had already received a verbal warning for a similar incident (a delay in returning from vacation the year before) and because the area supervisor did not feel the claimant respected her current store manager. On remand, the referee is directed to conform the findings to the credited evidence.

Legal Analysis

The referee's analysis of the separation as a discharge is erroneous because the undisputed evidence reflects the claimant chose to voluntarily resign instead of transferring to another location after returning from her scheduled vacation eleven days late. The claimant's testimony reflects she did not realize her separation would be effective immediately when she signed the one-sentence resignation notice stating, "I [the claimant] will resign rather than transfer to [another location]." She did not, however, dispute that she chose to resign instead of accepting the transfer to another location and voluntarily signed the resignation notice the area supervisor typed for her. On remand, the referee must analyze the case as a voluntary quit.

Section 443.101(1)(a), Florida Statutes, provides that an individual shall be disqualified from receipt of benefits for voluntarily leaving work without good cause attributable to the employing unit. Under the statute, "the term 'good cause' includes only that cause attributable to the employing unit which would compel a reasonable employee to cease working." §443.101(1)(a)1., Fla. Stat. (as amended in 2011, in Ch. 2011-235, §5, Laws of Florida). *See also Uniweld Products, Inc. v. Industrial Relations Commission*, 277 So. 2d 827, 829 (Fla. 4th DCA 1973) (holding good cause is such cause as "would reasonably impel the average able-bodied qualified worker to give up his or her employment").

Here, there are two issues. First, was the claimant's transfer such a change in her employment status that a reasonable employee would feel compelled to cease working? Second, was the transfer a disciplinary action the employer took due to behavior that met the statutory definition of misconduct?

Good Cause

The first issue the referee must determine is whether the transfer imposed upon the claimant as a condition of continued employment was a sufficiently significant change in the employment agreement that a reasonable employee in the claimant's position would have felt compelled to resign. In addressing this issue, we emphasize that while a unilateral and material change in the agreement of hire *may* provide good cause, it is not *automatically* good cause.[1] In such a case the referee must determine the nature of the change, how significant the change is, why the change occurred, and why the claimant did not accept it. *See, e.g., Lozano v.*

---

[1] The majority of cases noted that such changes *could* constitute good cause, as a question of fact, rather than *did* constitute good cause, as a matter of law, even prior to the amendment discussed below. *See, e.g., Ferguson v. Henry Lee Co.*, 734 So. 2d 1161 (Fla. 3d DCA 1999); *San Roman v. Unemployment Appeals Commission*, 711 So. 2d 93 (Fla. 4th DCA 1998); *Tourte v. Oriole of Naples*, 696 So. 2d 1283 (Fla. 2d DCA 1997). To the extent some cases might be read to hold that changes automatically constitute good cause, such as *Mattice v. Unemployment Appeals Commission*, 992 So. 2d 428, 431 (Fla. 4th DCA 2008) (holding that such changes are an issue of fact, but then appearing to imply that changes are a matter of law), we conclude that such cases are superseded by the 2011 amendment, in which the Legislature, for the first time in Florida statutory law, adopted a specific definition of good cause attributable to the employer. Under the current statutory standard, the referee must *always* make a finding as to whether a reasonable person would have felt compelled to resign, with explanation as to the relevant facts the referee determines provided such cause.

Unemployment Appeals Commission, 926 So. 2d 388 (Fla. 3d DCA 2005) (temporary transfer due to location closure did not constitute good cause attributable to the employer). The claimant bears the burden of proving that she had good cause to quit. *Lewis v. Lakeland Health Care Center, Inc.*, 685 So. 2d 876, 878 (Fla. 2d DCA 1996).

The record in this case requires further development regarding the claimant's reason(s) for refusing the transfer and choosing instead to be unemployed. The record reflects the claimant was given the choice of transferring to two locations. According to the employer's witness, one of the locations is approximately 10 minutes from the location where the claimant had been working. Google Maps reflects the drive distance and time to one location is *19 miles or 28 minutes* from the claimant's home address, and that the drive distance and time to the other location is *27 miles or 32 minutes* from the claimant's home address.

The claimant, however, refused to transfer to either location, testified it would have been too far to drive and very inconvenient for her, and that she preferred to resign instead of transferring. The claimant's testimony, however, reflects only that the other locations were "inconvenient" because of traffic, road construction, and having to drive her children to school. This testimony is insufficient to evaluate whether the transfer constituted good cause that would reasonably impel the average able-bodied qualified worker to voluntarily quit employment. Therefore, the record requires further details regarding the reason(s) the claimant chose to quit instead of transferring to either of the offered locations. After developing the record, the referee should determine whether the claimant proved that a reasonable person in her position would feel compelled to resign. If not, the claimant must be disqualified from receipt of benefits. If so, then the referee must address the next issue in her analysis.

Attributable to the Employer

If the referee concludes, after further development of the record, that a reasonable employee in the claimant's position would have felt compelled to resign, the referee must then determine whether that resignation is attributable to the employer. While normally a resignation due to an employer's unilateral transfer that would compel a reasonable person to relinquish employment would be attributable to the employer, such would not be the case if the transfer were for disciplinary purposes for actions that constituted misconduct.

In *ABC Auto Parts, Inc. v. Florida Department of Labor and Employment Security*, 372 So. 2d 197, 199 (Fla. 1st DCA 1979), the court addressed a situation where the claimant resigned rather than accepting a disciplinary transfer that constituted a demotion. In rejecting the contention that the claimant had good cause attributable to the employer and that the issue of misconduct was not relevant, the court held:

> We find no authority and no support in logic or reason, for the appeals referee's interpretation of the law to permit a *discharge* of an employee for violation of a reasonable rule or insubordination, but to prohibit a *transfer* of that employee (or demotion if necessary) to a position in which the employee's complained of conduct would have no bearing upon her ability to perform that job. We hold that under a reasonable interpretation of the letter, intent and purpose of the unemployment compensation law, an employer may, in lieu of discharge of an employee who has been guilty of misconduct sufficient to justify discharge, transfer or demote that employee to a lesser position; and that if the employee on that account voluntarily leaves the employment, it cannot be claimed that it was for "good cause attributable to his employer" [citation omitted] and such employee must be held disqualified from receiving unemployment compensation benefits. [Emphasis in original.]

The record reflects the claimant chose to quit instead of being transferred, and that she was being transferred to another location as a result of her 11-day delay in returning to work from vacation. The employer's evidence reflects the claimant's absence during that period created a hardship for the employer because it occurred during the holiday season when the 24-hour restaurant was particularly busy, other managers were also scheduled for vacations, staff was already working long hours, and covering the claimant's shifts caused staff to incur overtime. In her testimony, the claimant acknowledged she expected to be disciplined for her delay in returning from vacation and was "willing to take her punishment," but she thought she only would be suspended for one week. According to the area supervisor, however, the claimant had already received a verbal warning when she was late returning from her vacation the prior year, and the claimant acknowledged receiving this prior warning. The area supervisor testified that because of this repeat occurrence and the claimant's apparent lack of respect for her store manager, and because they did not know when she would be returning and had already covered all of her shifts at the "A." location where she worked, he could not allow her to return to work in that store but was going to transfer her to another location where she would work with a stronger store manager. The referee's decision, however, does not address any of

this material evidence. In order to engage in a proper analysis, under *ABC Auto Parts, Inc.*, of whether the claimant established good cause *attributable to the employer* for voluntarily quitting, the referee must address this material evidence regarding the claimant's prior warning for a similar delay in returning from vacation the previous year, the claimant's implicit admission of wrongdoing in her testimony that she expected to be disciplined for returning late from her most recent vacation and was willing to take her punishment, and the employer's reasoning in requiring the claimant to transfer to another store location as a condition of continued employment.

In concluding that the employer failed to prove misconduct, the referee appeared to assume that the claimant's lengthy absence from scheduled shifts, which normally would clearly constitute misconduct, was excusable as necessitated by compelling reasons. Our review reflects a far more equivocal record. The record requires further development and findings regarding whether the circumstances that delayed the claimant's return from vacation were unforeseeable and truly beyond her control.

The record reflects the claimant and her boyfriend drove to Nevada while the claimant was on an authorized vacation from December 20 through 28, 2014. Her boyfriend received a driving citation in Nevada on December 23, and she and her boyfriend *elected* to remain in Nevada beyond the dates of her authorized vacation in order for her boyfriend to try to "situate" his citation before traveling home. The claimant's testimony reflects that her boyfriend could not return to Nevada for a future court date, but when questioned regarding how they "situated" the citation, the claimant testified they paid the fine in person on December 29 when government offices reopened after the Christmas holiday. The record provides insufficient explanation as to the nature of the citation, or why the claimant and her boyfriend believed it needed to be paid in person (or alternatively, changed their mind about challenging it). Given the record before us presently, there is insufficient evidence that this was anything other than a personal choice that does not constitute a compelling reason beyond the claimant's control for missing work.

The claimant later clarified her testimony, indicating that it was not the citation as much as the road conditions that prevented her from returning to work. She testified that after paying the fine for the citation on December 29, her return home was further delayed because she learned there would be bad weather and icy roads in Arizona and New Mexico, states she had to traverse on her route home from Nevada. While the claimant originally testified she could not travel home due to road closures, when questioned regarding the date roads reopened, the claimant testified that all the roads were not really closed, but that she further delayed her

return home because she was afraid to drive on icy roads. As the employer asserted, however, if she had traveled home to return to work as scheduled on December 29 instead of remaining in Nevada to deal with her boyfriend's citation, any bad weather on or after December 29 would not have affected the claimant's return trip.

On remand, the referee is directed to revisit her analysis of whether winter weather and icy road conditions in Arizona and New Mexico were unforeseeable circumstances constituting a compelling reason for the claimant's absences during the 11-day period from December 29, 2014, through January 8, 2015. Clearly, the weather was not within the claimant's control; however, winter weather in December is foreseeable, and the claimant's plans for a cross-country driving vacation in December were within her control. Moreover, the claimant had already received a verbal warning for a prior failure to return from vacation on time, and this material fact must be considered in an analysis of whether her 11-day delay in returning from her latest vacation was due to compelling reasons beyond her control. Therefore, on remand the referee must consider the foreseeability of the travel difficulties the claimant faced, whether the claimant's prior verbal warning placed her on notice that she should make contingency travel plans to enable her to return to work on time, whether alternate routes or alternate means of travel were available for the claimant to return home and to work on time, and whether electing to remain in Nevada to pay the traffic citation in person on December 29 caused the claimant to encounter the bad weather and icy road conditions that further delayed her return home. If the inordinate delay in the claimant's return to work was not caused by truly compelling circumstances, the claimant was absent without authorization under circumstances where she had been previously warned.

In order to address the foregoing issues, the decision of the appeals referee is vacated and the cause is remanded for further proceedings. The referee must then issue a decision containing accurate and supported findings of fact addressing all material evidence and an analysis of the separation as a voluntary quit under the applicable provisions of the statute and case law.

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
2/16/2016,
the above Order was filed in the office of the Clerk of the Reemployment Assistance Appeals Commission, and a copy mailed to the last known address of each interested party.
By: Kady Ross
Deputy Clerk

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

*41199268 *

Docket No.0025 3149 71-02 Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

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

APPEARANCES Claimant

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.

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

Findings of Fact: The claimant began working as a swing manager for in October 2010. The claimant was on an approved vacation from December 20, 2014 through December 28, 2014. The claimant travelled to another state with her boyfriend while she was on vacation. The claimant was required to return to work December 29, 2014. The claimant could not return to work December 29, 2014 because her boyfriend received a driving citation December 23, 2014 in the state in which they travelled which could not be paid until Monday, December 29, 2014 due to the courts being closed for the holidays. The claimant also could not return to work December 29, 2014 because the roads were closed due to the weather. The claimant contacted her supervisor December 23, 2014 and left a message about her inability to report to work. The claimant was told by her supervisor to keep her informed about when she would be returning to work. The claimant received a call from her supervisor December 31, 2014 and was told she was placed on the schedule to work January 5, 2015. The claimant told her supervisor she could not make it to work January 5, 2015 because the roads were covered in ice in the city where she and her boyfriend had travelled. The claimant subsequently received a call from someone with the employer's business saying she was suspended. The claimant contacted the area supervisor January 8, 2015 after she received the call about the suspension and was told by the area supervisor she had not been suspended, her shift on January 5, 2015 had been covered and he extended her vacation. The claimant met with the area supervisor on January 9, 2015 and received a written warning during the meeting for not reporting to work December 29, 2014. The claimant was also told by the area supervisor January 9, 2015 another member of management wanted her to be terminated, but he vouched for her. The claimant was told by the area supervisor he did her a favor and he needed her to do him a favor. The claimant was told by the area supervisor there was a need for her at another store at a different location. The claimant told the area supervisor she could not go to the other store because of the distance and that she wanted to stay at the current location. The claimant also told the area supervisor she wanted to wait for the member of management that wanted to discharge her to return on Wednesday, January 14, 2015 to see what would happen. The claimant was presented with a resignation notice that the area supervisor typed and was told to sign it. The claimant signed it and performed no further services for the employer after January 9, 2015.

Conclusions of Law: The law provides that a claimant who voluntarily left work without good cause or was discharged for misconduct connected with the work will be disqualified for benefits.

The record reflects the employer was the moving party in the separation when the employer requested the claimant's resignation after she informed the employer she was not willing to transfer to another location. The reemployment assistance law provides, In determining whether a separation is voluntary, examining the intent of the worker is necessary. The word "voluntary" connotes something freely given and proceeding from one's own choice or full consent. St. Joe Paper Company v. Gautreaux, 180 So.2d 668 (Fla. 1st DCA 1968). The record shows the claimant did not voluntarily resign, but was forced to resign when she chose not to relocate to the location of the area supervisor's choice. Thus, the claimant is considered to have been discharged. In cases of 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); TallahasseeHousing Authority v. Unemployment Appeals Commission, 483 So.2d 413 (Fla. 1986). The record shows that although the claimant received a written warning regarding her absence on December 29, 2014, the claimant's absence was due to circumstances beyond her control and the claimant's absence for that day was properly reported to the employer. The claimant's credible testimony reflects that although she was told by her supervisor she was scheduled to work January 5, 2015, the claimant told her supervisor on the same phone call that she could not make it to work that day due to circumstances beyond her control. The record is void of any evidence showing the claimant had a pattern of attendance infractions, was warned and failed to improve or correct her behavior. Additionally, the claimant's refusal to work at another location does not show misconduct connected with the work since the record is void of any evidence showing the claimant was told at the time of hire she would be responsible for relocating to another store at the company's discretion. Upon consideration of all relevant facts and circumstances, the appeals referee finds the employer presented insufficient competent evidence to show the claimant was discharged for misconduct in accordance with the reemployment assistance law defined in subparagraphs (a), (b), (c) and (e). As such, the claimant is qualified for the receipt of reemployment assistance benefits.

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. Since the employer did not establish the claimant was discharged for misconduct, the employer's account will be charged.

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 February 27, 2015 is MODIFIED to show the claimant did not quit, but was discharged. The claimant is qualified for the receipt of benefits. The employer's account will be charged.

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 April 21, 2015.

S. RAINES
Appeals Referee

By:

Daniel Rush, 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.

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.