

**AGENCY FOR WORKFORCE INNOVATION
TALLAHASSEE, FLORIDA**

PETITIONER:

Employer Account No. - 2839602
ARTOX CONSOLIDATED INC
JOSE MAYORAL
14663 BRADDOCK OAK DR
ORLANDO FL 32837-4950

**PROTEST OF LIABILITY
DOCKET NO. 2010-26428L**

RESPONDENT:

State of Florida
AGENCY FOR WORKFORCE INNOVATION
c/o Department of Revenue

ORDER

This matter comes before me for final Agency Order.

An *Order to Show Cause* mailed to the Petitioner on March 8, 2010, provided fifteen (15) calendar days for the Petitioner to explain why its protest filed January 10, 2010, should be considered a timely appeal to the determination dated December 18, 2009. The Petitioner submitted a written response to the *Order to Show Cause* on March 16, 2010. Rule 60BB-2.035(5) of the Florida Administrative Code requires that a protest be dismissed if the Petitioner does not provide written evidence that the protest is timely within 15 days of the issuance of the *Order to Show Cause*. Since the Petitioner's response did not provide written evidence that the protest was timely filed, the Petitioner's protest is dismissed pursuant to Rule 60BB-2.035(5), Florida Administrative Code.

In consideration thereof, it is ORDERED that the Petitioner's protest of the determination dated December 18, 2009, is dismissed due to lack of jurisdiction.

DONE and ORDERED at Tallahassee, Florida, this ____ day of **April, 2010**.



TOM CLENDENNING
Director, Unemployment Compensation Services
AGENCY FOR WORKFORCE INNOVATION

**AGENCY FOR WORKFORCE INNOVATION
Unemployment Compensation Appeals
MSC 345 CALDWELL BUILDING
107 EAST MADISON STREET
TALLAHASSEE, FL 32399-4143**

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ORDER TO SHOW CAUSE

The Petitioner is directed to show cause why the Director should not dismiss the petition for lack of jurisdiction pursuant to Section 443.141(2)(c), Florida Statutes, and Rules 60BB-2.035(5) and 60BB-2.022(5), Florida Administrative Code.

The Petitioner is directed to file a written statement within fifteen (15) calendar days of the mailing date of this Order, explaining why the protest should not be dismissed for lack of jurisdiction. The statement should specifically address whether the protest was filed within the time allowed by law.

The following documents are attached for consideration by the Petitioner:

1. Letter of determination dated December 18, 2009, and
2. Letter of protest dated/postmarked January 10, 2010.

Done and ordered on March 8, 2010 at TALLAHASSEE, FL.

This is to certify that this *Order to Show Cause* was sent to the last known address of each interested party on or before March 8, 2010.

DOROTHY JOHNSON,
Unemployment Compensation Appeals



DAWN SPATH, Special Deputy Clerk

FAX: (850) 921-3594

Copies mailed to:

Petitioner

Respondent: DOR Protest Coordinator
Wage Determination Unit

CHERRYL L BRONSON
606 ARLINGTON CT
EUSTIS FL 32726

DEPARTMENT OF REVENUE
ATTN: DENNIS FINKEY - BUILDING G
5050 WEST TENNESSEE STREET
TALLAHASSEE FL 32399-0100

DOR BLOCKED CLAIMS UNIT
ATTENTION MYRA TAYLOR
P O BOX 6417
TALLAHASSEE FL 32314-6417