STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellee

R.A.A.C. Order No. 13-08892

vs.

Referee Decision No. 0008783035-02U

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.

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.

Procedural error requires this case to be remanded for further proceedings; accordingly, the Commission does not now address the issue of whether the claimant is eligible/qualified for benefits.

The referee's findings of fact state as follows:

> The claimant began work as a technician III for the employer, a window and door manufacturer, on September 2, 2003. The claimant reported to the group leader. The claimant was aware of the employer's sexual harassment and abusive language policies. About June 11, 2013, the female co-workers reported that while they worked at the assembly table with the claimant he made inappropriate remarks-asking them to attend a party at his residence, asking if they were a tag team and asking if they mud wrestled, and to 'put the stick in the crack'. The female co-workers reported that the claimant touched one of them through her shirt. On June 18, 2013, the claimant was warned that his job was in

> jeopardy due to the reported behavior. The claimant was aware of the warning and that his job was in jeopardy. On July 24, 2013, the claimant and the male co-worker were working together at an assembly table. The claimant asked the co-worker, "Do you have a father in the picture?" The claimant asked the co-worker about the co-worker's mother and asked the co-worker how to contact the co-worker's mother. The co-worker told the claimant to stop. The claimant persisted and told the co-worker that he would be a good father and was a choir boy and that his brother was a priest. The claimant heard the other worker tell the co-worker, "I'll be your daddy." The claimant observed that the co-worker became upset. The group leader received the co-worker's report of the claimant's behavior. On July 30, 2013, the group leader and the human resources generalist discharged the claimant for sexual harassment and abusive language.

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 record was not developed sufficiently and material conflicts in evidence were not resolved properly; consequently, the case must be remanded.

> The testimony shows the claimant was discharged for sexual harassment and for abusive language towards co-workers. The employer's witnesses were the human resources generalist and the group leader. The testimony of the employer's witnesses relied on the reports they heard from the co-workers who directly interacted with the claimant. Those co-workers did not appear for the hearing and submit to examination of their statements. The testimony of the employer's witnesses was hearsay . . . . The claimant testified he did not sexually harass co-workers. While the claimant's comments as reported were bizarre, crude and boorish; his testimony shows that his comments towards co-workers were intended to be jocular and delivered in a jovial manner. Absent sufficient competent testimony to the contrary the referee accepts the claimant's testimony . . . .

Effective May 17, 2013, Section 443.036(30), Florida Statutes, states that misconduct connected with work, "irrespective of whether the misconduct occurs at the workplace or during working hours, includes, but is not limited to, the following, which may not be construed in pari materia with each other":

> (a) Conduct demonstrating a conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee. Such conduct may include, but is not limited to, willful damage to an employer's property that results in damage of more than $50; or theft of employer property or property of a customer or invitee of the employer.
>
> (b) Carelessness or negligence to a degree or recurrence that manifests culpability or wrongful intent, or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer.
>
> (c) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence.
>
> (d) A willful and deliberate violation of a standard or regulation of this state by an employee of an employer licensed or certified by this state, which violation would cause the employer to be sanctioned or have its license or certification suspended by this state.
>
> (e)1. A violation of an employer's rule, unless the claimant can demonstrate that:
>
> a. He or she did not know, and could not reasonably know, of the rule's requirements;
>
> b. The rule is not lawful or not reasonably related to the job environment and performance; or
>
> c. The rule is not fairly or consistently enforced.
>
> 2. Such conduct may include, but is not limited to, committing criminal assault or battery on another employee, or on a customer or invitee of the employer; or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in her or his professional care.

The record reflects two incidents preceded the claimant's termination from employment. The first was a June 11, 2013 incident involving two of the claimant's female coworkers. The employer presented no firsthand testimony about that incident. Moreover, the employer did not provide written statements from the alleged victims or other witnesses.

During the hearing, however, the claimant acknowledged informing two female coworkers that he was having a party in his home which would include midget mud wrestlers. The claimant further acknowledged asking them if they mud wrestled. He denied touching his female coworker, as alleged by the employer's witnesses. He then acknowledged that he received a warning about the incident on June 18 and was advised that the employer considered his comments to his female coworkers to constitute sexual harassment. Although the claimant asserted he did not understand the warning, he acknowledged he was told his job was in jeopardy.

The second incident occurred a month later, on July 24, 2013. The employer did not provide written statements from the employee who complained about the claimant's July 24 behavior or from witnesses to that behavior. The employer's human resources generalist, the group leader, and the value stream leader all testified that they discussed the second incident with the claimant. The value stream leader testified the claimant admitted to him that he asked a younger male coworker about his mother's age and asked for the coworker's mother's telephone number. The human resources generalist testified that she and the group leader questioned the claimant about the incident and, during the investigation, the claimant admitted that his coworker asked him to stop his comments, but he continued.

During the hearing before the appeals referee, the claimant admitted asking his coworker if he had a father; asking the coworker his mother's age; and, stating to the coworker either "hell, maybe her and I ought to hook up" or "maybe your mom and I should get together." The claimant could not precisely recall which phrase he used. He further admitted asking for the coworker's mother's telephone number. The claimant, however, denied that the coworker asked him to stop the discussion. The claimant was discharged after the employer completed its investigation of the second incident.

The referee's findings are actually an amalgamation of the testimonial evidence presented by both parties. Each significant portion of testimony, however, has a different evidentiary value. A review of the record indicates portions of the testimony presented by the employer's witnesses were not weighed appropriately and, consequently, the referee did not adequately resolve material conflicts of competent evidence.

The testimony presented by the employer's witnesses regarding the events that they did not witness are hearsay. "Hearsay" evidence is an oral or written assertion made outside the hearing, which is offered into evidence to prove the truth of the matter asserted. *See* §90.801, Fla. Stat. Pursuant to Section 443.151(4)(b)5.c., Florida Statutes, hearsay evidence may be used for the purpose of supplementing or explaining other evidence, or to support a finding of fact if the hearsay would be admissible over objection in civil actions. Notwithstanding Section 120.57(1)(c), Florida Statutes, hearsay evidence may support a finding of fact in a reemployment assistance appeals proceeding if the party against whom it is offered has a reasonable opportunity to review such evidence prior to the hearing and the appeals referee, after considering all relevant facts and circumstances, finds the evidence is trustworthy and probative and the interests of justice are best served by its admission into evidence.

As previously noted, the employer did not provide written statements to support its hearsay testimony. Therefore, the evidence presented by the employer's witnesses that was based on information given to them by other individuals is insufficient to support a finding of fact. We note, however, that, during the appeals hearing, the claimant admitted telling two female coworkers about a party at his home which would include mud wrestlers and asking them if they mud wrestled. The claimant also did not rebut the human resource generalist's testimony that he acknowledged his comments were "off color" or the group leader's testimony that the claimant informed him that "sometimes he is not politically correct." It is undisputed that the claimant was warned after that incident and the employer's group leader emphasized that he made it very clear that another harassment incident would possibly lead to termination.

The claimant admits that, after receiving the warning, he asked a younger male coworker for his mother's telephone number and that he referenced "hooking up" or "getting together" with the young man's mother. Consistent with the testimony presented by the employer's witnesses, the referee found that the claimant persisted in this line of dialogue after his coworker asked him to stop. The claimant's admissions to the employer that he continued speaking to his coworker about a sensitive topic, pursuing a relationship with the coworker's mother, after the coworker asked him to stop is an admission that constitutes an exception to the hearsay rule. §90.803(18), Fla. Stat. During the appeals hearing, however, the claimant denied that his coworker asked him to stop. Whether the claimant continued discussing "hooking up" or "getting together" with his coworker's mother after the coworker asked him to stop is a material issued to the outcome of the appeal.

Florida Administrative Code Rule 73B-20.025(3)(d) requires the referee, if confronted with conflicting evidence with respect to a disputed issue of fact, the finding of which is determinative of the outcome of the appeal, to acknowledge such conflict and set forth the rationale by which that conflict is resolved. The parties in this case offered varying accounts of the events preceding the claimant's separation. While the referee may believe one party's version of events regarding one issue and the other party's version of events regarding another issue, the referee must do so explicitly, clearly articulating what testimony he finds most credible from each party in a detailed manner.

Additionally, the referee's current legal analysis of the claimant's behavior towards his coworkers does not adequately conform to clearly established law that addresses harassment in the workplace. In holding that the claimant's actions did not amount to misconduct, the referee stated, "While the claimant's comments *as reported* were bizarre, crude and boorish; his testimony shows that his comments towards coworkers were *intended* to be jocular and delivered in a jovial manner."

The law is clear that harassment is not measured primarily by the intent of the actor, but by the individuals exposed to the conduct and actions will be considered harassing if they are both subjectively perceived by the recipient as such, and would also be deemed as such by a reasonable person. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993). In this case, the record reflects the claimant's coworkers were so offended by his comments that they reported them to the employer and a reasonable person, the appeals referee himself, has deemed that the comments "as reported" were "bizarre, crude and boorish." An employee who makes crude comments to his coworkers leaves his employer liable to civil lawsuits alleging that the employer maintains a hostile work environment.

Moreover, "[a]n employer's failure to provide its employees with a tolerable work environment has been found to be good cause for leaving employment attributable to the employer." *Yaeger v. Fla. Unemployment Appeals Commission*, 786 So. 2d 48, 53 (Fla. 3d DCA 2001). If an employer is advised that an employee is making his coworker's work environment intolerable and subsequently fails to take remedial measures, all of the reportedly harassed coworkers may have good cause to quit their employment and the employer may be liable for charging on any claim for reemployment assistance benefits made by those employees. *Id.* at 54; *Eulo v. Fla. Unemployment Appeals Commission*, 724 So. 2d 636 (Fla. 2d DCA 1999) (granting benefits when an employer was aware of verbal abuse, but took no action to resolve it). Reemployment assistance law has been consistently applied to encourage employers to properly investigate allegations of harassment and bullying and to appropriately remedy harassment and bullying when it is found.

In this case, the claimant admits that, while the employees were working on a line, he asked the two female coworkers, who ultimately complained about his comments, whether they mud-wrestled. Regardless of whether those two females welcomed his comments "[s]uch conduct adversely affects others in the workplace, not just the victim or participant." *Lockheed Martin Corp., v. Unemployment Appeals Commission*, 876 So. 2d 31, 33 (Fla. 5th DCA 2005) (disqualifying a male claimant from the receipt of benefits for engaging in consensual physical horseplay with female coworker after another female coworker who witnessed the behavior, but did not participate, complained). While the federal and state body of discrimination laws were not designed to be general civility codes, such laws have existed for sufficient time and achieved sufficient notoriety that the average worker is, at least, minimally aware that certain topics should be avoided in the workplace, particularly amongst colleagues with whom they are not extremely familiar and certainly those who object to such comments.

It is clear in this case that the claimant was warned that his job was in jeopardy because of the comments he had made to his coworkers. It is undisputed that shortly after the warning, the claimant made questionable comments to another coworker about pursuing the coworker's mother, which many would find offensive. The record is in conflict regarding whether the claimant continued his comments after that coworker requested that he stop. In light of the claimant's recent warning, if the referee again finds that the claimant's behavior persisted after his coworker requested that he stop, the claimant's actions would amount to "conduct demonstrating a conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee." §443.036(3)(a), Fla. Stat.

Finally, the Commission highlights that, in order to support his legal conclusions, the referee must make clear findings based on competent, substantial evidence that indicate what he has concluded the claimant has actually done or not done. In his findings, the referee twice notes "the female coworkers reported." While it is a fair statement of the record to note the employer received reports from two female coworkers regarding conversations they had with the claimant, the findings should reflect what the competent, substantial evidence actually indicates the claimant did. The referee also characterizes the claimant's comments "as reported" as bizarre, crude and boorish. The referee, however, has not made clear what comments he concluded the claimant *actually* made. "A statement of facts should be clear and unambiguous and should be sufficiently definite to enable the reviewing authority to test the validity under the law of the decision resting upon those facts." *Hardy v. City of Tarpon Springs*, 81 So. 2d 503, 506 (Fla. 1955).

The referee's decision is vacated and this matter is remanded for the referee to consider the testimony of the parties, convene a supplemental hearing if necessary, and render a new decision that features an appropriate conflict resolution with respect to all disputed material facts. The new decision must also contain specific, clear findings of fact and a proper analysis of the evidence presented. The issue of whether the claimant's discharge was for misconduct must then be evaluated in accordance with the appropriate legal standards.

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 5/28/2014, 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: Kimberley Pena
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. **2013-81210U** Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

CLAIMANT/Appellee **EMPLOYER/Appellant**

APPEARANCES: CLAIMANT & EMPLOYER LOCAL OFFICE #: 3653-0

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.

CHARGES TO EMPLOYMENT RECORD: Whether benefit payments made to the claimant shall 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 employer charges are not at issue on the current claim, the hearing may determine charges on a subsequent claim.)

Findings of Fact: The claimant began work as a technician III for the employer, a window and door manufacturer, on September 2, 2003. The claimant reported to the group leader. The claimant was aware of the employer's sexual harassment and abusive language policies. About June 11, 2013, the female co-workers reported that while they worked at the assembly table with the claimant he made inappropriate remarks-asking them to attend a party at his residence, asking if they were a tag team and asking if they mud wrestled, and to 'put the stick in the crack'. The female co-workers reported that the claimant touched one of them through her shirt. On June 18, 2013, the claimant was warned that his job was in jeopardy due to the reported behavior. The claimant was aware of the warning and that his job was in jeopardy. On July 24, 2013, the claimant

and the male co-worker were working together at an assembly table. The claimant asked the co-worker, "Do you have a father in the picture?" The claimant asked the co-worker about the co-worker's mother and asked the co-worker how to contact the co-worker's mother. The co-worker told the claimant to stop. The claimant persisted and told the co-worker that he would be a good father and was a choir boy and that his brother was a priest. The claimant heard the other worker tell the co-worker, "I'll be your daddy." The claimant observed that the co-worker became upset. The group leader received the co-worker's report of the claimant's behavior. On July 30, 2013, the group leader and the human resources generalist discharged the claimant for sexual harassment and abusive language.

Conclusions of Law: As of June 27, 2011, the Reemployment Assistance Law of Florida defines misconduct connected with work as, 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.

(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) A violation of an employer's rule, unless the claimant can demonstrate that:

1. He or she did not know, and could not reasonably know, of the rules requirements;
2. The rule is not lawful or not reasonably related to the job environment and performance; or
3. The rule is not fairly or consistently enforced.

The record shows the employer discharged the claimant. 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). The testimony shows the claimant was discharged for sexual harassment and for abusive language towards co-workers. The employer's witnesses were the human resources generalist and the group leader. The testimony of the employer's witnesses relied on the reports they heard from the co-workers who directly interacted with the claimant. Those co-workers did not appear for the hearing and submit to examination of their statements. The testimony of the employer's witnesses was hearsay. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, or to support a finding if it would be admissible over objection in civil actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may support a finding of fact if: The party against whom it is offered has a reasonable opportunity to review such evidence prior to the hearing; and the appeals referee or special deputy determines, after considering all relevant facts and circumstances, that the evidence is trustworthy and probative and that the interests of justice are best served by its admission into evidence. The claimant testified he did not sexually harass co-workers. While the claimant's comments as reported were bizarre, crude and boorish; his testimony shows that his comments

towards co-workers were intended to be jocular and delivered in a jovial manner. Absent sufficient competent testimony to the contrary the referee accepts the claimant's testimony. In cases of discharge, the burden is on the employer to establish that the discharge was for misconduct connected with work. The employer did not meet the burden of proof. The behavior of the claimant, as described by the claimant, did not meet the statutory definition of misconduct. While the claimant's acts may justify termination and the employer may have made a valid business decision in discharging the claimant his conduct was not raised to a degree or was of a recurrence that manifests wrongful intent. The claimant is thus not subject to disqualification.

The law provides that benefits will not be charged to the employment record of a contributory employer who furnishes required notice to the Department when the claimant left the work without good cause attributable to the employer, was discharged for misconduct connected with the work, refused without good cause an offer of suitable work from the employer, was discharged from work for violating any criminal law punishable by imprisonment or for any dishonest act in connection with the work, refused an offer of suitable work because of the distance to the employment due to a change of residence by the claimant, became separated as a direct result of a natural disaster declared pursuant to the Disaster Relief Act of 1974 and the Disaster Relief and Emergency Assistance Amendments of 1988, or was discharged for unsatisfactory performance during an initial probationary period that did not exceed ninety calendar days and of which the claimant was informed during the first seven days of work. Since the employer discharged the claimant for reasons other than misconduct, the employer's account will be charged.

Decision: The determination dated August 23, 2013, is AFFIRMED. The claimant is qualified for 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 mailed to the last known address of each interested party on October 3, 2013.

EDWIN LOSCHI
Appeals Referee

By: Lisa Rell
LISA RELL, 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.