STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellant

R.A.A.C. Order No. 14-01818

vs.

Referee Decision No. 0021922227-02U

Employer/Appellee

ORDER OF REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

This case comes before the Commission for disposition of the claimant's appeal pursuant to Section 443.151(4)(c), Florida Statutes, of a referee's decision holding the claimant disqualified from receipt of benefits.

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 issue before the Commission is whether the claimant was discharged by the employer for misconduct connected with work as provided in Section 443.101(1), Florida Statutes.

The referee's findings of fact state as follows:

> The claimant worked for the employer, a manufacturing company, from December 21, 1999, until February 13, 2014, as a builder. The claimant was absent from work on a number of dates, primarily because he needed to care for his mother, who was ill. The claimant did not request the days off in advance because he did not know in advance when he would be needed. The employer's policy required time off requests be submitted in advance in order for absences to be approved. On August 19, 20, and 21 of 2013, the claimant was ill and left early each day. The claimant received a written warning for attendance in September of 2013. The employer offered the claimant leave time under the Family Medical Leave Act, because the employer was aware of the

> claimant's mother's condition. The claimant never turned in completed FMLA forms. The claimant worked only half a day on February 6, 2014, because he had to take his mother to see a doctor. The claimant was absent on February 12, 2014, due to lack of transportation. The employer discharged the claimant on February 13, 2014.

Based on these findings, the referee held the claimant was discharged for misconduct connected with work. Upon review of the record and the arguments on appeal, the Commission concludes the record was not developed sufficiently; consequently, the case must be remanded.

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 claimant was discharged for a number of attendance infractions. The referee held the claimant disqualified reasoning that, since the claimant had an unauthorized absence after receiving a written warning for more than one prior unauthorized absence, the claimant's actions amounted to misconduct under the second prong of Section 443.036(30)(c), Florida Statutes. In reaching this conclusion, the referee noted that the claimant did not apply for leave under the Family and Medical Leave Act in order to have his absences approved. The record, however, was not clearly developed as to the parameters of the employer's attendance policy, whether the claimant's absences were unapproved, and the specific attendance infractions taken into consideration in the decision to discharge the claimant.

The employer's human resource manager testified the claimant was discharged for a pattern of attendance issues that spanned several years and resulted in the issuance of several warnings. The witness further testified that the employer requires leave for doctors' appointments, that vacation must be requested in writing at least 30 days in advance, and that employees must call the office and leave a message when they have an unplanned absence or tardiness. Unplanned absences can be excused by the supervisor, based on the individual supervisor's discretion, the reason for the absence, and the employee's attendance history. The record does not reflect how and when the claimant's supervisor approved unplanned leave and how the claimant would have known his absence on February 12, 2014, would result in termination. The claimant's appeal document, which was attached to the Notice of Hearing, specifically asserts the claimant believed he followed the proper call-out procedure and was not aware he was doing anything incorrectly. Neither the claimant nor the employer's witness was questioned concerning the

employer's complete attendance policy or how the claimant was informed of the policy. The referee's findings reflect only four specific dates of absence, but the record was not developed regarding the human resource manager's testimony that "new management" decided to discharge the claimant on the basis of years of previous attendance issues.

When the record reflects an employer has discharged a claimant for absenteeism or tardiness, the referee should analyze the evidence in terms of subparagraph (e), subparagraph (c), and subparagraph (a) of the above-stated statute, generally in that order. Since the subparagraphs may not be construed in pari materia with one another, each one must be analyzed independently. Thus, misconduct within the meaning of any one of these subparagraphs requires disqualification even if the claimant's actions do not constitute misconduct pursuant to any other subparagraph.

While the subparagraphs are separate, the analysis of each requires a core consideration. Misconduct under the statute presumes some degree of fault on the part of a claimant. Accordingly, analyses of attendance issues under each subparagraph must give consideration to determining what fault, if any, the claimant bore. The existence of fault should be determined by examining 1) the reason for the attendance infraction, 2) the claimant's compliance with notice and verification requirements, and 3) the claimant's failure to take available leave that would have excused the absence, as discussed in more detail below.

In considering attendance infractions under any of the subparagraphs of the statutory definition of misconduct, the referee must first determine whether the absences or tardiness were for "compelling" reasons. Although the definition of misconduct was substantially amended in 2011, the legislative history does not reflect any intention to abrogate the body of case law holding that absences which the claimant could not reasonably prevent are not misconduct. *See Cargill, Inc. v. Unemployment Appeals Commission*, 503 So. 2d 1340 (Fla. 1st DCA 1987); *Howlett v. South Broward Hospital Tax District*, 451 So. 2d 976 (Fla. 4th DCA 1984); *Taylor v. State Department of Labor and Employment Security*, 383 So. 2d 1126 (Fla. 3d DCA 1980). Compelling reasons include those such as illness, emergencies, or other unpredictable events that prevent an employee from attending work or arriving on time. They may also include predictable events such as planned medical treatment when the timing is necessitated by circumstances outside the claimant's control.

In determining whether absences are for compelling reasons when they may otherwise violate an employer policy, the referee should consider whether the claimant reasonably availed himself or herself of leave opportunities, such as leave under the Family and Medical Leave Act ("FMLA") or other applicable leave offered

by the employer, of which the claimant was given due notice. In *McMath v. JP Morgan Chase Bank NA*, RAAC Order No. 13-06859 (September 13, 2013), the referee held that the claimant should not be held responsible for absences due to illness even though the evidence showed that the employer had offered intermittent FMLA leave on several occasions and the claimant failed to avail herself of the offered FMLA. The Commission reversed, reasoning as follows:

> [T]he claimant's failure to accept the employer's offer of intermittent FMLA, in light of her knowledge that her continued unapproved absences due to illness would ultimately result in her discharge, constituted misconduct under the plain language of the second prong of subparagraph (c). Because the record reflects the choice of whether to apply for intermittent FMLA was within the claimant's control, the Commission holds that the claimant's failure to apply for intermittent FMLA leave resulted in her being culpable for the resulting unapproved absences.

Id.

However, the claimant cannot be held responsible for failing to take leave if the employer has not properly advised the employee of his or her leave rights. *See Ramirez v. Reemployment Assistance Appeals Commission*, 135 So. 3d 408 (Fla. 1st DCA 2014) (declining to address the significance of a claimant's failure to pursue FMLA leave when offered by the employer in the absence of record development with respect to the employer's compliance with FMLA notice requirements).

If absences or tardiness are for compelling reasons, the referee should then determine whether the claimant, to the extent feasible, gave notice to the employer as required by any employer policy, or otherwise gave reasonable notice. The referee should further determine whether the claimant provided any documentation or verification reasonably required by the employer, and if not, why the claimant did not do so.

In considering subparagraph (e), the referee must specifically address whether the claimant's tardiness/absences amounted to a violation of an employer's "rule." To prove the existence of a rule violation under this subparagraph, the employer must present evidence of its attendance policy/rule and evidence that the claimant violated it. The claimant would then have the burden of showing that he/she did not know, and could not reasonably know, of the rule's requirements; the rule is not lawful or not reasonably related to the job environment and performance; or the rule is not fairly or consistently enforced. With respect to the issue of fair enforcement, the Commission takes the position that, generally, if an employee violates an

employer's rule as a result of his/her absences from work based upon compelling reasons, and where notice is reasonably given and verification reasonably provided as discussed above, that policy/rule cannot be considered fairly enforced against the claimant for the purposes of disqualifying him/her from receipt of benefits. For example, if any employer's policy provides that an employee will be discharged after six absences, but four of the claimant's six absences were for medical reasons and the claimant gave proper notice and verification for each absence, the policy cannot be considered fairly enforced to disqualify.

Should the referee find that the claimant's actions did not constitute misconduct pursuant to the provisions of subparagraph (e), the referee must then consider subparagraph (c), which contains two prongs. Under the first prong, the referee shall address whether the claimant's absenteeism or tardiness was both chronic and in deliberate violation of a known policy of the employer. Any absence or tardiness caused by a compelling reason and for which any required notice or verification are given cannot be considered deliberate. Although similar to consideration of attendance under subparagraph (e), this prong differs in one significant respect. Under this prong, when an employee is discharged for exceeding the number of attendance infractions allowed under the employer's attendance policy, the employer is not required to prove that the claimant's *unexcusable* absences and tardies exceeded those permitted under the rule; the employer need only prove that the claimant's *unexcusable* absences or tardies were chronic and deliberate, and violated the employer's general policy standards regarding attendance.

If the first prong of subparagraph (c) does not apply, the referee should then address the second prong of that subparagraph. This requires inquiry as to whether the claimant was absent without approval following a written reprimand or warning relating to more than one unapproved absence. No explicit requirement of fault exists under this prong of subparagraph (c); rather, all that is required is that the employer establish that the final absence was unapproved and followed a written warning for unapproved absences. The Commission has, however, previously held that despite the lack of an express intent standard in the second prong of (c), a claimant could not be disqualified from benefits in the absence of any fault whatsoever on the part of the claimant such as where the absences are for compelling reasons and for which reasonable notice and verification were provided as required. In such cases, an employer may choose whether to grant approval for such absences, but a claimant will not be disqualified if such absences are not approved.

Our application of subparagraphs (e), (c), and (a) to attendance cases reflects that, comparatively, the provisions of subparagraph (e) are most specific, the provisions of subparagraph (c) are moderately specific, and the provisions of subparagraph (a) are general in nature. Should the referee conclude the provisions of subparagraph (e) and the provisions of subparagraph (c) are inapplicable, the referee should consider the more general definition of misconduct in subparagraph (a). Generally, such an analysis would encompass all of the foregoing analyses, but would also include a wider range of factors and circumstances that have traditionally been considered. "Conscious disregard" may be shown by prior warnings or employer policies, but neither is necessarily required. The referee should also consider the impact of the absences on the employer, including the impact on the claimant's coworkers. Under subparagraph (a), the referee should consider the totality of the claimant's attendance, even if the final incident was excusable due to compelling circumstances, as was required under the predecessor definition of misconduct. *See Mason v. Load King Mfg. Co.*, 758 So. 2d 649 (Fla. 2000); *C.F. Industries, Inc. v. Long*, 364 So. 2d 864 (Fla. 2d DCA 1978).

In the absence of specific findings and conclusions regarding these points, the Commission is unable to determine whether the claimant should be disqualified from the receipt of benefits. This matter is remanded for further hearing and the rendition of a new decision addressing the issues as outlined herein.

On remand, the record requires development regarding the consideration the employer gave the claimant's full attendance history and a determination regarding whether absences prior to the claimant's last four incidents factored into the employer's decision to discharge the claimant. The record also requires further development regarding the employer's communication with the claimant about FMLA leave, what notice the employer gave regarding FMLA leave[1] and whether the employer advised the claimant he could use intermittent FMLA leave. The referee must determine whether the claimant unreasonably failed to avail himself of leave of which he was or reasonably should have been aware.

The Reemployment Assistance Appeals Commission has received the request of the claimant's representative for the approval of a fee for work performed in conjunction with the appeal to the Commission, as required by Section 443.041(2)(a), Florida Statutes. In examining the reasonableness of the fee, the Commission is cognizant that: (1) in the event a claimant prevails at the Commission level, the law contains no provision for the award of a representative's fees to the claimant's representative, by either the opposing party or the State (i.e., a claimant must pay

[1] Under 29 C.F.R. §825.300(a), an employer must post the statutorily required notice and if the employer has an employee handbook, must include its FMLA policy within it.

his or her own representative's fee); and (2) the amount of reemployment assistance secured by a claimant may be very small. The legislature specifically gave referees (with respect to the initial appeal) and the Commission (with respect to the higher-level review) the power to review and approve a representative's fees due to a concern that claimants could end up spending more on fees than they could reasonably expect to receive in reemployment assistance.

Upon consideration of the complexity of the issues involved, the services actually rendered to the claimant, and the factors noted above, the Commission approves a fee of $650.

The decision of the appeals referee is vacated and the case 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 10/29/2014, 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 PROGRAM
PO BOX 5250
TALLAHASSEE, FL 32314 5250

*25618017 *

Docket No.0021 9222 27-02 Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

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

APPEARANCES Employer

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.

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, a manufacturing company, from December 21, 1999 until February 13, 2014, as a builder. The claimant was absent from work on a number of dates, primarily because he needed to care for his mother, who was ill. The claimant did not request the days off in advance because he did not know in advance when he would be needed. The employer's

policy required time off requests be submitted in advance in order for absences to be approved. On August 19, 20 and 21 of 2013, the claimant was ill and left early each day. The claimant received a written warning for attendance in September of 2013. The employer offered the claimant leave time under the Family Medical Leave Act, because the employer was aware of the claimant's mother's condition. The claimant never turned in completed FMLA forms. The claimant worked only half a day on February 6, 2014 because he had to take his mother to see a doctor. The claimant was absent on February 12, 2014 due to lack of transportation. The employer discharged the claimant on February 13, 2014.

Conclusions of Law: As of June 27, 2011, the Unemployment Compensation 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 reflects that the employer was the moving party in the separation. Therefore, the claimant is considered to have been discharged. The burden of proving misconduct is on the employer. Lewis v. Unemployment Appeals Commission, 498 So.2d 608 (Fla. 5th DCA 1986). The proof must be by a preponderance of competent substantial evidence. De Groot v. Sheffield, 95 So.2d 912 (Fla. 1957); Tallahassee Housing Authority v. Unemployment Appeals Commission, 468 So.2d 413 (Fla. 1986). It was shown that the claimant was discharged for absenteeism. It was shown that the claimant received a written warning following multiple unapproved absences, and that the claimant did not apply for FMLA leave in order to have the absences approved, even after such leave was offered and the necessary documents were given to the claimant. It was shown that the claimant was absent again without prior approval after the warning, due to circumstances for which FMLA would not have applied even if an application for such leave had been submitted. The second "prong" of subsection (c) above makes no allowance for good cause or compelling circumstances for absences, in the case of one or more unapproved absences following a written warning for more than one unapproved absences. As the claimant was discharged for absences under those conditions, the claimant is found to have been disqualified for misconduct as defined above, and is disqualified from receipt of benefits.

Decision: The determination dated February 28, 2014, is AFFIRMED. The claimant is disqualified from the week beginning February 9, 2014, the five following weeks, and until the claimant earns $4,675.00.

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 to the last known address of each interested party on April 9, 2014

JOHN THURSBY
Appeals Referee

By:

CHRISTIE SHAFFER, 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 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 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 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 nou poste sa a ba ou. 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.
