

STATE OF FLORIDA
REEMPLOYMENT ASSISTANCE APPEALS COMMISSION

In the matter of:

Claimant/Appellant

R.A.A.C. Order No. 16-01571

vs.

Referee Decision No. 0026533276-06U

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 and that she received reemployment assistance to which she was not entitled and is liable to repay and the employer's account was noncharged.

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. The Commission's review is generally limited to the evidence and issues before the referee and contained in the official record.

The issues before the Commission are whether the claimant was discharged by the employer for misconduct connected with work as provided in Section 443.101(1), Florida Statutes, and whether the claimant received any sum as benefits under the reemployment assistance law to which the claimant is not entitled as provided in Section 443.151(6), Florida Statutes.

The referee's findings of fact state as follows:

The claimant worked for [another employer] from July 30, 2014 until June 1, 2015. The claimant was employed full time as a file clerk floater. Subsequent to her hire, the claimant was transferred to the employer, a staff leasing firm, under an agreement for the employer to provide payroll, insurance and other services. All of the employees of [the other employer] are so transferred, but the firm retains the unilateral right to hire and fire its workers without the prior permission of the employer.

There is no requirement that a released employee report back to the employer for reassignment. The claimant acknowledged in writing on November 10, 2014 the employee handbook containing time and attendance and procedure policies, including the nonharassment policy. The claimant was cited by the office manager on May 20, 2015, for failing to follow procedure in checking in a patient. The claimant received a written warning from the office manager on May 26, 2015, for her “sarcastic and disrespectful responses” to the office manager’s e-mails. The claimant received a written warning on May 29, 2015, for repeated complaints from staff and patients regarding her “attitude” and for failing to stay on duty until 6 p.m. when her trainee shift ends and for not [ensuring] the phones are covered. The claimant was discharged on June 1, 2015, by the office manager and assistant office manager for alleged insubordination for refusing to wear the approved uniform color, due to patient complaints, and for leaving work early without permission.

During the four-month period July 11, 2015 through October 10, 2015, the claimant received \$3,850 in benefits that were later deemed an overpayment.

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 sufficiently developed; consequently, the case must be remanded.

Section 443.036(29), 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 the physicians who ran the client company discharged the claimant for alleged violation of company policy. The office manager testified that the claimant did not follow directions, did what she wanted to do, and that her behavior did not change after repeated warnings. The office manager also testified that she received multiple complaints regarding how the claimant dealt with patients and that the claimant was warned for leaving the front desk unattended. The front office supervisor also testified she received patient complaints and further alleged the claimant did not wear the approved uniform colors. She also heard about the claimant leaving the front desk unattended. The referee found the employer's testimony and evidence to be more credible than the claimant's testimony and concluded the claimant was discharged for misconduct connected with work. The referee, however, failed to elicit sufficient details from the employer or add sufficient details in his findings to support his conclusion of law.

It is not to be implied that the [fact finder] must set out in detail every fact brought out in the evidence. However, his 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 office manager testified that the claimant did not follow directions and did what she wanted to do, behavior that did not change after repeated warnings. The referee did not ask the office manager what directions were given to the claimant, how the claimant responded, and the date(s) upon which any such incident(s) occurred. In addition, the referee did not ask the employer's witnesses whether the claimant was warned for failing to follow directions, and the details regarding any such warning(s), including the specific date(s) the claimant was warned, what the claimant was told when she was warned, and her response(s), if any. The office manager and the front office supervisor also testified that they received patient complaints regarding the claimant. The referee did not question either witness regarding the basis for those complaints, the dates on which the incidents allegedly occurred, the dates on which they received the complaints, and whether they personally observed the behavior at issue. Both witnesses also testified that the claimant left the front desk unattended but were not questioned regarding the date(s) this occurred, and whether they personally observed the claimant leaving the front desk unattended and, if so, the duration of the time she was away from the front desk.

The employer's evidence was too vague, general, and summary in nature to constitute competent, *substantial* evidence to support a conclusion that the claimant engaged in misconduct, and the referee's findings are likewise too vague to permit Commission review of the legal conclusion that misconduct was proven. Under the reemployment assistance law and rules, the referee bears the responsibility of developing the record from the available evidence in sufficient detail for proper findings to be written and for the referee to make an independent, objective analysis of whether the claimant's behavior constituted misconduct. *See Fla. Admin. Code R. 73B-20.024(3)(b)*. When an employer provides broad, general, or summary explanations of its reasons for discharging an employee, the referee must further inquire and develop the record with more details of the conduct at issue. In short, while the types of behavior described generally by the employer could constitute misconduct, the referee must adduce evidence of the specific conduct of the claimant,

or at least some examples of such conduct, for the evidence to be “substantial.” The referee must also determine whether the employer’s evidence is sufficiently competent, particularly when much of the evidence may have come from third parties. Only after doing so can the referee properly weigh the evidence, and make appropriate findings.

The referee’s decision is, therefore, vacated and the case is remanded for the referee to convene another hearing to allow the employer to present more specific details of the incidents which led to the claimant’s termination. The referee must then properly evaluate all of the evidence and render a decision that contains accurate and specific findings regarding whether the claimant’s actions constituted misconduct under the statutory definition of misconduct. Any hearing convened subsequent to this order shall be deemed supplemental, and all evidence currently in the record shall remain in the record.

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
6/16/2016 ,
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: Ebony Porter
Deputy Clerk



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



*51526891 *

Docket No.0026 5332 76-06

Jurisdiction: §443.151(4)(a)&(b) Florida Statutes

CLAIMANT/Appellant

EMPLOYER/Appellee

APPEARANCES Claimant
 Employer
 TPA

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), (13); 443.036(29), Florida Statutes; Rule 73B-11.020, Florida Administrative Code.

OVERPAYMENT: Whether the claimant received benefits to which the claimant was not entitled, and if so, whether those benefits are subject to being recovered or recouped by the Agency, pursuant to Sections 443.151(6); 443.071(7),443.1115; 443.1117, Florida Statutes and 20 CFR 615.8.

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 worked for _____ from July 30, 2014 until June 1, 2016. The claimant was employed full time as a file clerk floater. Subsequent to her hire, the claimant was transferred to the employer, a staff leasing firm, under an agreement for the employer to provide payroll, insurance and other services. All of the employees of _____ are so transferred, but the firm retains the unilateral right to hire and fire its workers without the prior permission of the employer. There is no requirement that a released employee report back to the employer for reassignment. The claimant acknowledged in writing on November 10, 2014 the employee handbook containing time and attendance and procedure policies, including the nonharrasment policy. The claimant was cited by the office manager on May 20, 2015 for failing to follow procedure in checking in a patient. The claimant received a written warning from the office manager on May 26, 2015 for her "sarcastic and disrespectful responses" to the office manager's e-mails. The claimant received a written warning on May 29, 2015 for repeated complaints from staff and patients regarding her "attitude" and for failing to stay on duty until 6 p.m. when her trainee shift ends and for not insuring the phones are covered. The claimant was discharged on June 1, 2016 by the office manager and assistant office manager for alleged insubordination for refusing to wear the approved uniform color and due to patient complaints and for leaving work early without permission.

During the fourteen month period July 11, 2015 through October 10, 2015 the claimant received \$3,850 in benefits that were later deemed an overpayment.

CONCLUSIONS OF LAW: 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 actions of the claimant were in conscious disregard of the employer's interests and violated the reasonable standards of conduct expected of an employee. The claimant is disqualified for benefits.

There is a conflict in the testimony of the claimant. The claimant maintained in her testimony that she never left any trainee unattended or left early without permission and that she received only one warning, for being out of uniform, and that the uniform rule was routinely violated by other employees who were never sanctioned. The further testimony of the claimant is that none of her actions can be deemed insubordination. The testimony of the front office manager is that the claimant was repeatedly warned for failing to follow known procedures and that she was well aware of the uniform policy, which was enforced toward all employees. This witness also testified that to her knowledge there were no employees other than the claimant who were violating the uniform policy.

The hearing officer was presented with conflicting testimony regarding material issues of fact and is charged with resolving these conflicts. The Reemployment Assistance Appeals Commission set forth factors to be considered in resolving credibility questions. These 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 employer's witnesses to be more credible. Therefore, material conflicts in the evidence are resolved in favor of the employer.

The law provides that a claimant who was not entitled to benefits received must repay the overpaid benefits to the Department. The law does not permit waiver of recovery of overpayments.

The entry into evidence of a transaction history generated by a personal identification number establishing that a certification or claim for one or more weeks of benefits was made against the benefit account of the individual, together with documentation that payment was paid by a state warrant made to the order of the person or by direct deposit via electronic means, constitutes prima facie evidence that the person claimed and received reemployment assistance benefits from the state.

The claimant acknowledged receipt of the benefits at issue in this appeal. The claimant, as detailed above, was not entitled to these benefits and must repay them.

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 claimant was discharged for misconduct connected with the work, the employer's record is relieved of charges should benefits be paid on this claim.

DECISION: The November 17, 2016 determination is AFFIRMED.

RESULTADOS DE HECHO: El demandante trabajó para la Neurociencia consultores del 30 de julio, 2014 hasta el 1 de junio de 2016. El demandante fue empleado a tiempo completo como un flotador archivo dependiente. Con posterioridad a su contratación, el demandante fue trasladado al empleador, una empresa de arrendamiento de empleados, en virtud de un convenio para el empleador de proporcionar la nómina, seguros y otros servicios. Todos los empleados de la neurociencia consultores están tan transferidos, pero la empresa se reserva el derecho unilateral de contratar y despedir a sus trabajadores sin la previa autorización del empleador. No hay ningún requisito de que un informe empleado en libertad al empleador para su reasignación. El demandante reconoció por escrito el 10 de noviembre de 2014, la que contiene el manual del empleado tiempo y asistencia y de procedimiento políticas, incluyendo la política nonharrassment. El demandante fue citado por el director de la oficina el 20 de mayo de 2015 para no seguir el procedimiento de comprobación en un paciente. El demandante recibió una advertencia por escrito del director de la oficina el 26 de mayo de 2015 para sus "respuestas sarcásticas e irrespetuosos" a mensajes de correo electrónico del administrador de la oficina. El demandante recibió una advertencia por escrito el 29 de mayo de 2015 para las reiteradas quejas de los pacientes y el personal con respecto a su "actitud" y por no permanecer en servicio hasta las 6 p.m., cuando termina su turno en prácticas y de no asegurar los teléfonos están cubiertos. El reclamante fue dado de alta el 1 de junio 2016 el director gerente de la oficina y asistente de oficina por supuesta insubordinación por negarse a llevar el color uniforme aprobado y debido a las quejas de los pacientes y para salir del trabajo temprano sin permiso.

Durante el periodo de catorce el mes de julio de 11, 10 de octubre de 2015, a través, 2015, el reclamante recibió \$ 3,850 en beneficios que más tarde fueron considerados un pago excesivo.

CONCLUSIONES DE LA LEY: La Ley de Asistencia de Reempleo de la Florida define mala conducta relacionada con el trabajo como, pero no se limita a, los siguientes, que no puede ser interpretado de pari materia entre sí:

- (A) La conducta que demuestra la indiferencia consciente de los intereses del empleador y se encontró que una violación deliberada o desconocimiento de los estándares razonables de conducta que el empleador espera de su empleado.
- (B) El descuido o negligencia en un grado o la repetición que se manifiesta culpabilidad o dolo, o muestra una indiferencia intencional y sustancial de los intereses del empleador o de los derechos y obligaciones del empleado a su empleador.
- (C) el absentismo crónico o tardanza en la violación deliberada de una política conocida del empleador o de una o más ausencias no aprobadas después de una amonestación por escrito o de advertencia al realizar más de una ausencia no autorizada.
- (D) Una violación intencional y deliberada de una norma o regulación de este estado por un empleado de un empleador con licencia o certificado por este estado, lo que haría que la violación empleador para ser sancionado o cuando su autorización o certificación suspendidos por este estado.
- (E) Una violación de la regla de un empleador, a menos que el demandante pueda demostrar que:
 1. Él o ella no lo sabía, y no podía razonablemente saber, de los requisitos de las normas;
 2. La regla no es legal o no una relación razonable con el medio ambiente de trabajo y el rendimiento; o
 3. La regla no es bastante consistente o forzada.

Las acciones de la reclamante estaban en la indiferencia consciente de los intereses del empleador y violan las normas razonables de conducta que se esperan de un empleado. La reclamante esta descalificada para recibir beneficios.

Hay un conflicto en el testimonio de la demandante. El demandante mantuvo en su testimonio de que nunca dejó ningún

aprendiz desatendida o se fue temprano sin permiso y que recibió sólo una advertencia, por estar fuera de uniforme, y que la regla uniforme fue violado sistemáticamente por otros empleados que nunca fueron sancionados. El testimonio adicional de la demandante es que ninguna de sus acciones puede considerarse insubordinación. El testimonio del jefe de la oficina es que el demandante fue advertido en repetidas ocasiones por no seguir los procedimientos conocidos y que ella era muy consciente de la política de uniforme, que se aplica a todos los empleados. Este testigo también declaró que a su conocimiento no había otras que el reclamante que estaban violando la política de uniformes empleados.

El oficial de la audiencia se presentó con testimonios contradictorios en relación con las cuestiones de hecho y está encargado de resolver estos conflictos. La Comisión de Apelación de Asistencia de Reempleo expone los factores a tener en cuenta en la resolución de cuestiones de credibilidad. Estos incluyen la "oportunidad y la capacidad de observar el evento o acto de que se trate de testigos; cualquier declaración previa incompatible con el testimonio; testigo de parcialidad o falta de sesgo; la contradicción del testigo 'versión de los hechos por otros elementos de prueba o su coherencia con otras pruebas; la improbabilidad inherente del testigo versión de los hechos; y el testigo 'comportamiento. Al considerar estos factores, el oficial de la audiencia encuentra el testimonio de los testigos del empleador sea más creíble. Por lo tanto, conflictos significativos en las pruebas se resuelven en favor del empleador.

La ley establece que un solicitante que no tenía derecho a los beneficios recibidos, debe devolver los beneficios pagados al Departamento. La ley no permite que se efectúe la recaudación de los pagos en exceso.

La entrada en la evidencia de un historial de transacciones generada por un número de identificación personal que se establece que una certificación o reclamo por una o más semanas de beneficios se hizo contra la cuenta en beneficio del individuo, junto con la documentación que el pago fue pagado por una orden de estado de hecho a el orden de la persona o por depósito directo a través de medios electrónicos, constituye una prueba prima facie de que la persona reclamada y recibió los beneficios de asistencia de reempleo del estado.

La reclamante acusó recibo de los beneficios de los cuales se tratan en esta apelación. La reclamante, tal como se detalla más arriba, no tenía derecho a estos beneficios y debe pagarlos.

La ley establece que los beneficios no serán a cargo del registro de empleo de un empleador contribuyente que aporte la necesaria notificación al Departamento cuando el reclamante fue dado de alta por mala conducta relacionada con el trabajo.

Como la reclamante fue despedida por mala conducta relacionada con el trabajo, la cuenta del empleador se libera de pagos por si se debe pagar los beneficios de esta reclamación.

DECISIÓN: La determinación con fecha 17 de noviembre del 2016 se AFIRMA.

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 22, 2016.

C. NEUFFER III
Appeals Referee

By: 

CLAUDETTE SILVERA, 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 the last five digits of the 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.

There is no cost to have a case reviewed by the Commission, nor is a party required to be represented by an attorney or other representative to have a case reviewed. The Reemployment Assistance Appeals Commission has not been fully integrated into the Department's CONNECT system. While correspondence can be mailed or faxed to the Commission, no correspondence can be submitted to the Commission via the CONNECT system. All parties to an appeal before the Commission must maintain a current mailing address with the Commission. A party who changes his/her mailing address in the CONNECT system must also provide the updated address to the Commission, in writing. All correspondence sent by the Commission, including its final order, will be mailed to the parties at their mailing address on record with the Commission.

IMPORTANT - 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 envío 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 reembolsar 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 los últimos cinco dígitos del 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.

No hay ningún costo para tener un caso revisado por la Comisión, ni es requerido que una parte sea representado por un abogado u otro representante para poder tener un caso revisado. La Comisión de Apelación de Asistencia de Reempleo no ha sido plenamente integrado en el sistema CONNECT del Departamento. Mientras que la correspondencia puede ser enviada por correo o por fax a la Comisión, ninguna correspondencia puede ser sometida a la Comisión a través del sistema CONNECT. Todas las partes en una apelación ante la Comisión deben mantener una dirección de correo actual con la Comisión. La parte que cambie su dirección de correo en el sistema CONNECT también debe proporcionar la dirección actualizada a la Comisión, por escrito. Toda la correspondencia enviada por la Comisión, incluida su orden final, será enviada a las partes en su dirección de correo en el registro con la Comisión.

ENPÒTAN - DWA DAPÈL: Desizyon sa a ap definitiv 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 senk dènye chif nimewo sekirite sosyal demandè a 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.

Pa gen okenn kou pou Komisyon an revize yon ka, ni ke yon pati dwe reprezante pa yon avoka oubyen lòt reprezantan pou ke la li a revize. Komisyon Apèl Asistans Reyanbochaj pa te entegre antyèman nan sistèm CONNECT Depatman an. Byenke korespondans kapab fakse oubyen pòste bay Komisyon an, okenn korespondans pa kapab soumèt bay Komisyon an atravè sistèm CONNECT. Tout pati ki nan yon apèl devan Komisyon an dwe mentni yon adrès postal ki ajou avèk Komisyon an. Yon pati ki chanje adrès postal li nan sistèm CONNECT la dwe bay Komisyon an adrès ki mete ajou a tou. Tout korespondans ke Komisyon an voye, sa enkli manda final li, pral pòste voye bay pati yo nan adrès postal yo genyen nan achiv Komisyon an.

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