

The District Court of Appeal of the State of Florida, Third District

IMPORTANT NOTICE IN UNEMPLOYMENT COMPENSATION CASES

You have appealed the denial of your application for unemployment compensation benefits to this court. Although you do not have a lawyer representing you, there are some things that this court will require of you in processing your appeal. It is important that you comply with these things, or you may have your appeal dismissed.

- 1.** You must ask the Unemployment Appeals Commission in Tallahassee to send us the formal papers that made up your case in the Commission. This is the record on appeal. It will include a transcript of your hearing in front of the Referee. This transcript is a word-for-word account of all testimony and argument made in front of the Referee. You should arrange with the Commission in Tallahassee to prepare the record on appeal and send it to us promptly. Any unexcused delay may harm your case.
- 2.** After the Commission has prepared the record on appeal and sent you a copy of the index of the record, you must then prepare a written statement of your side of the case. This is called an initial brief and is due to be filed 70 days after the date you filed your notice of appeal. You should consult the formal rules for appeals as to what a brief should contain and how it should be prepared and filed. These rules are called the Florida Rules of Appellate Procedure, which you can find in any law library, or you may access them online at: <http://www.flabar.org/newflabar/links/flrules.html>. You will have to file an original and 3 copies of the initial brief with the Clerk of this court. At the same time, you must send 1 copy of your initial brief to the Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle West, Tallahassee, Florida 32399-0681, and also to any other party involved in your appeal. For example, your employer may have become involved in your case when it was considered by the Unemployment Appeals Commission and, if so, the employer must be sent a copy of your brief. Your initial brief must contain an express statement, called a Certificate of Service, signifying that you have sent copies of your brief to all other parties.
- 3.** After your initial brief is filed, the other party(ies) have the right to file their side of the case in a written statement, called an answer brief, which contains argument in response to your appeal. Each other party must also send you a copy of any answer brief the party files with the court.
- 4.** When you have received the answer brief(s), you have the option of filing another brief, called a reply brief, containing a short response to the argument of each other party. Again, you must send a copy of your reply brief to all other parties and certify that you have done so.

5. After the record and briefs have been filed, a panel of 3 judges will consider your case. If you would like to personally appear before the panel of 3 judges to present your case, you must file a separate document requesting an oral argument. The request for an oral argument should be filed at the same time you file the initial brief, but may be filed with your reply brief. If you request an oral argument, you will be notified in writing of the day you should appear in court to present your case to the panel. If you choose not to appear personally before the panel, your case will be submitted to a panel of 3 judges of this court to consider the case on the record and briefs filed by the parties. The court will notify you in writing when it makes a final decision in your case. The court's written decision is called an Opinion. It may contain a statement that the decision of the Commission is Affirmed, with or without an explanation of the reasoning of the court, or it may state that the decision is Reversed, along with an explanation of the reasoning of the court.

6. If during the course of your case, it is necessary for you to ask the court for something—for example, more time to comply with something you are required to do under the Florida Rules of Appellate Procedure—you will have to file your request in writing with the court in a paper called a motion. When the court decides what to do in response to a motion, it sends its decision—called an order—to all parties. You must also send a copy of any motion you file with the court to all other parties to the appeal and certify in your motion that you have actually sent them the copies. The other parties may then respond to your motion. Similarly, if any other party to your appeal sends you a copy of any motion that the party has filed with the court, you will be allowed to file one response to the motion in writing with the court. If you do respond, again you must send a copy of your response to all other parties and certify in writing that you have done so. In short, any time you file a paper with the court, you must also send a copy of the paper to all other parties and certify that you have done so.

7. None of the people working here at the court are allowed to give you legal advice, such as help in preparing your brief, or interpreting the law. If you need legal advice, you must consult a lawyer outside the court.

8. You should be aware of the following: (A) The purpose of the court of appeal is to decide whether the Unemployment Appeals Commission followed the law. A court of appeal does not listen to new evidence. (B) Not every error or mistake of law by the Commission requires that the case be reversed. An error must actually affect the outcome in some meaningful way to cause the case to be reversed.