

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

HARLEY R. PHILLIPS,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED.

CASE NO. 1D06-1016

FLORIDA UNEMPLOYMENT  
APPEALS COMMISSION and  
NELCO ONE, INC.

Appellees.

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Opinion filed May 4, 2006.

An appeal from the Florida Unemployment Appeals Commission.  
Alan Forst, Chairman.

Harley R. Phillips, pro se, Appellant.

Geri Atkinson-Hazelton, General Counsel, Tallahassee, for Appellee Florida  
Unemployment Appeals Commission.

PER CURIAM.

Because appellant's notice of appeal was not timely filed, we are compelled to  
dismiss this appeal for lack of jurisdiction. However, in light of appellant's allegation

that he was misinformed by staff at the Unemployment Appeals Commission concerning the process for initiating an appeal, this disposition is without prejudice to appellant's right to seek relief by filing a motion with the Unemployment Appeals Commission requesting that it vacate and reenter the final order at issue. See New Washington Heights Community Development Conference v. Department of Community Affairs, 515 So. 2d 328 (Fla. 3d DCA 1987), *disapproved on other grounds*, Millinger v. Broward County Mental Health Division and Risk Mgmt., 672 So. 2d 24 (Fla. 1996).

APPEAL DISMISSED.

ALLEN, VAN NORTWICK, and POLSTON, JJ., CONCUR.