

Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed November 2, 2011.

THIS OPINION IS NOT FINAL UNTIL DISPOSITION OF ANY FURTHER
MOTION FOR REHEARING AND/OR MOTION FOR REHEARING EN
BANC. ANY PREVIOUSLY-FILED MOTION FOR REHEARING EN BANC
IS DEEMED MOOT.

No. 3D09-963
Lower Tribunal No. 09-245

Essie R. Baker,
Appellant,

vs.

Florida Unemployment Appeals Commission, et al.,
Appellees.

An Appeal from Florida Unemployment Appeals Commission.

Essie R. Baker, in proper person.

M. Elaine Howard, Senior Attorney, for appellees.

Before SUAREZ, CORTIÑAS, and SALTER, JJ.

PER CURIAM.

ON MOTION FOR REHEARING

Upon consideration of the Commission's motion for rehearing, the panel relinquished jurisdiction and remanded the case to the Commission for further remand to the Agency for Workforce Innovation Office of Appeals. The Agency was directed to conduct a further evidentiary hearing regarding the timeliness of its mailing to the appellant here, Ms. Baker. That hearing was conducted on September 13, 2011. Upon consideration of Ms. Baker's response, the transcript of that hearing, and the Commission's status report filed September 26, 2011, we affirm the Commission's order dismissing as untimely Ms. Baker's original appeal from the Agency's determination denying benefits.

Affirmed.