

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

SERBAN T. DRONCA,

Appellant,

v.

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

CASE NO. 1D03-3694

FLORIDA UNEMPLOYMENT
APPEALS COMMISSION,

Appellee.

Opinion filed December 30, 2004.

An appeal from an order of the Florida Unemployment Appeals Commission.

Karol K. Williams, P.A., Tampa, for Appellant, and Appellant, pro se.

Geri Atkinson-Hazelton, General Counsel, and John D. Maher, Deputy General Counsel, Florida Unemployment Appeals Commission, Tallahassee, for Appellee.

PER CURIAM.

We reverse the decision of the Unemployment Appeals Commission, which concluded that the claimant was disqualified from receiving benefits under sections 443.036(29) and 443.101(1)(a)2., Florida Statutes (2003). The record shows that the claimant's conduct was a single incident of poor judgment, which justified the

employer's termination of the claimant's employment, but did not amount to misconduct sufficient to deny the claimant benefits. See Powell v. Fla. Unemployment Appeals Comm'n, 29 Fla. L. Weekly D2574 (Fla. 1st DCA Nov. 15, 2004)); McCarty v. Fla. Unemployment Appeals Comm'n, 878 So. 2d 432, 435 (Fla. 1st DCA 2004); Ash v. Fla. Unemployment Appeals Comm'n, 872 So. 2d 400 (Fla. 1st DCA 2004).

REVERSED and REMANDED with directions to award claimant unemployment compensation benefits.

ERVIN, PADOVANO and LEWIS, JJ., CONCUR.