

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

DENISE R. BERNHANG,
Appellant,

v.

STATE OF FLORIDA UNEMPLOYMENT APPEALS COMMISSION and
FRESH START PRODUCE SALES, INC.,
Appellees.

No. 4D06-4579

[November 14, 2007]

PER CURIAM.

After careful review of the record, we agree with the Commission that appellant's obdurate refusal to follow a reasonable work order from two superiors, and inviting the superiors to discharge her in the presence of other employees was sufficient to establish that her actions amounted to misconduct connected with work. *See Citrus Cent. v. Detwiler*, 368 So. 2d 81 (Fla. 4th DCA 1979); *Lewis v. Unemployment Appeals Comm'n*, 899 So. 2d 1183 (Fla. 2d DCA 2005); *Hines v. Dep't of Labor & Employment Sec.*, 455 So. 2d 1104 (Fla. 3d DCA 1984). We also find no due process violations in the conduct of the hearing by the appeals referee. The referee allowed appellant to provide additional testimony; the referee's interruptions were to remind appellant not to provide irrelevant testimony. We cannot reverse based on appellant's complaints about the way the referee resolved credibility issues. Credibility falls within the purview of the hearing officer's discretion as finder of fact. *See, e.g., Andrus v. Florida Dep't of Labor & Employment Sec.*, 379 So. 2d 468 (Fla. 4th DCA 1980).

Affirmed.

WARNER, KLEIN and GROSS, JJ., concur.

* * *

Appeal from the State of Florida Unemployment Appeals Commission;
L.T. Case No. 06-7171.

Wilson T. Trammell of Law Offices of Wilson T. Trammell, P.A., Tallahassee, for appellant.

Louis A. Gutierrez, Senior Attorney, Unemployment Appeals Commission, Tallahassee, for appellee.

Not final until disposition of timely filed motion for rehearing