

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ERIK P. FERRERO,	)	
	)	
Appellant,	)	
	)	
v.	)	CASE NO. 2D01-4201
	)	
UNEMPLOYMENT APPEALS COMMISSION	)	
and WAL-MART ASSOCIATES, INC.,	)	
	)	
Appellees.	)	
	)	
	)	
	)	

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Opinion filed November 13, 2002.

Appeal from the Unemployment Appeals  
Commission.

Erik P. Ferrero, pro se.

John D. Maher, Tallahassee, for Appellee  
Unemployment Appeals Commission.

No appearance for Appellee Wal-Mart  
Associates, Inc.

BLUE, Chief Judge.

Erik P. Ferrero appeals the order by the Unemployment Appeals  
Commission (UAC) that dismissed his appeal as untimely. He argues on appeal that he

did not receive a copy of the appeals referee's order. As in Landrum v. James Rummer Timber Harvesting, Inc., 645 So. 2d 577, 578 (Fla. 2d DCA 1994), because the mailing date on the referee's decision was insufficient to rebut such a claim, "the record on appeal does not contain competent substantial evidence to support the UAC's finding that the appeal was untimely." Alternatively, it is possible that Ferrero was attempting to appeal the repayment decision, in which case the appeal was timely. Accordingly, we reverse and remand for an evidentiary hearing on whether the appeal was timely.

Reversed and remanded.

DAVIS and KELLY, JJ., Concur.