

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

JONNA S. REAVES,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-835
ANC RENTAL CORPORATION,	**	LOWER
and FLORIDA UNEMPLOYMENT	**	TRIBUNAL NO. 03-838
APPEALS COMMISSION,	**	
Appellees.	**	

Opinion filed May 12, 2004.

An Appeal from the Florida Unemployment Appeals Commission.

Jonna S. Reaves, in proper person.

John D. Maher, for appellee, Florida Unemployment Appeals
Commission.

Before SHEVIN, WELLS and SHEPHERD, JJ.

SHEVIN, Judge.

We reverse the order of the Unemployment Appeals Commission,
affirming the appeals referee's denial of benefits to appellant
on grounds of misconduct. Accepting the factual findings made by

the appeals referee, we conclude that the appellant's conduct was sufficient to justify her termination, but "did not rise to the level of misconduct necessary so as to deprive [appellant] of unemployment benefits." Hernandez v. Florida Orthopedics, Inc., 861 So. 2d 525, 526 (Fla. 3d DCA 2003) (quoting Santiago v. Home Depot USA, Inc., 716 So. 2d 350 (Fla. 3d DCA 1998)). See Tacher v. Unemployment Appeals Comm., 721 So. 2d 813 (Fla. 4th DCA 1998); Wark v. Home Shopping Club, Inc., 715 So. 2d 323 (Fla. 2d DCA 1998); Hall v. Fla. Unemployment Appeals Comm., 700 So. 2d 107 (Fla. 1st DCA 1997).

Reversed and remanded.