

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

JEAN G. LEVERT,	**	
Appellant,	**	CASE NO. 3D03-1723
vs.	**	LOWER
FLORIDA UNEMPLOYMENT	**	TRIBUNAL NO. 03-5192
APPEALS, etc., et al.,	**	
Appellees.	**	

Opinion filed March 31, 2004.

An Appeal from the Florida Unemployment Appeals Commission.

Jean G. Levert, in proper person.

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

Before COPE, FLETCHER, and RAMIREZ, JJ.

PER CURIAM.

Claimant Jean G. Levert appeals an order of the Unemployment Appeals Commission which affirmed the appeals referee's dismissal of his untimely appeal from a claims adjudication denying unemployment compensation benefits. We agree that the late filing

deprived the referee of jurisdiction to consider the merits of Levert's claim. See § 443.151(3)(a), (4)(b), Fla. Stat. (2003); Fla. Admin. Code, R. 60BB-5.007. As in Leon v. Unemployment Appeals Com'n, 476 So. 2d 761 (Fla. 3d DCA 1985), Levert does not dispute that the notice of appeal was untimely. We therefore accept the appeals referee's finding of untimeliness. The failure to comply with applicable review procedures compels us to affirm the Commission's order.

Affirmed.