

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

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

MARTA RIESCO,

\*\*

Appellant,

\*\*

vs.

\*\* CASE NO. 3D03-2113

FLORIDA UNEMPLOYMENT APPEALS  
COMMISSION and ROYAL CARIBBEAN  
CRUISES, LTD.,

\*\*

\*\* LOWER TRIBUNAL  
CASE NO. 03-6417

Appellees.

\*\*

Opinion filed November 24, 2004.

An appeal from the Florida Unemployment Appeals Commission.

Teri Guttman Valdes, for appellant.

John D. Maher (Tallahassee), for appellee Florida UAC.

Before GREEN, FLETCHER, and RAMIREZ, JJ.

PER CURIAM.

The decision below denying unemployment compensation benefits is reversed because the conduct complained of did not, as a matter of law, amount to disqualifying "misconduct." § 443.036(29), Fla. Stat. (2003); Castillo v. Florida Unemployment Appeals Comm'n, 785 So. 2d 552 (Fla. 3d DCA 2001). After remand, the appellant shall be awarded the benefits claimed.