

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

RAMON D. ABREU,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-2555
KRAMA CONSTRUCTION INC. and	**	LOWER
FLORIDA UNEMPLOYMENT APPEALS	**	TRIBUNAL NO. 03-8038
COMMISSION,	**	
Appellees.	**	

Opinion filed April 21, 2004.

An Appeal from the Florida Unemployment Appeals Commission.

Ramon D. Abreu, in proper person.

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

Before GERSTEN, FLETCHER and SHEVIN, JJ.

PER CURIAM.

We reverse the order dismissing Abreu's appeal from the appeal referee's order denying unemployment compensation benefits. Abreu's communications with the Commission demonstrate

that he did not receive notice of the hearing, nor any other document thereafter. Hence, the record does not contain competent substantial evidence to support the Commission's finding that Abreu's appeal was untimely. Guerrero v. Fla. Unemployment Appeals Comm'n, 855 So. 2d 266 (Fla. 3d DCA 2003); Applegate v. Nat'l Health Care Affiliates, Inc., 667 So. 2d 332 (Fla. 1st DCA 1995); Landrum v. James Rummer Timber Harvesting, Inc., 645 So. 2d 577 (Fla. 2d DCA 1994). In order to ensure that Abreu's due process rights are observed, we remand for an evidentiary hearing on this issue. If the Commission determines that Abreu did not receive notice of the decision, his appeal shall be allowed to proceed. Guerrero.

Reversed and remanded for an evidentiary hearing.