

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

ANGEL E. ZAVALA,

Appellant,

vs.

FLORIDA UNEMPLOYMENT APPEALS
COMMISSION, etc., et al.,

Appellees.

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** CASE NO. 3D03-3276

**

** LOWER
TRIBUNAL NO. 03-8838

**

Opinion filed November 10, 2004.

An Appeal from the Florida Unemployment Appeals Commission.

Angel E. Zavala, in proper person.

John D. Maher (Tallahassee), for appellees.

Before SCHWARTZ, C.J., and LEVY and WELLS, 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 Commission, 785 So. 2d 552 (Fla. 3d DCA 2001). After remand, the appellant shall be awarded the benefits claimed.