

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2011

CARIDAD M. OLIVA,

Appellant,

v.

Case No. 5D10-2829

UNEMPLOYMENT APPEALS COMMISSION,

Appellee.

_____ /

Opinion filed June 17, 2011

Administrative Appeal from the
Unemployment Appeals Commission.

Caridad M. Oliva, Ocklawaha, pro se.

Louis A. Gutierrez, Tallahassee,
for Appellee.

PER CURIAM.

Caridad M. Oliva appeals an order of the Unemployment Appeals Commission affirming the appeal referee's finding that Ms. Oliva was disqualified from receiving benefits because she was not "able to work and available for work" as required by section 443.091(1)(c)1., Florida Statutes (2010). We affirm.

The determination that an employee is, or is not, able and available for work is a question of fact. See Brown v. Unemployment Appeals Comm'n, 820 So. 2d 457, 458 (Fla. 5th DCA 2002). An appeal referee's factual determination is ordinarily presumed to be correct. Smith v. Unemployment Appeals Comm'n, 823 So. 2d 873, 874 (Fla. 5th

DCA 2002). Thus, if there is substantial competent evidence in the record to support the appeal referee's findings, this Court must affirm. Brown, 820 So. 2d at 458. The record before us fully supports the finding of the referee. We cannot reweigh the evidence. Accordingly, we affirm.

AFFIRMED.

ORFINGER, COHEN and JACOBUS, JJ., concur.