

8-20-99

STATE OF FLORIDA
DIVISION OF RETIREMENT

PATRICK KRANK,

Petitioner,

vs.

AT
DMS Order No. 99-11
Case No. 99-0704

DEPARTMENT OF MANAGEMENT SERVICES
DIVISION OF RETIREMENT,

Respondent.

EJD-CLOS

FILED
2004 JUN 30 P 2:42
99 NOV 29 AM 9:23
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STATE OF FLORIDA
DIVISION OF RETIREMENT

FINAL ORDER

PRELIMINARY STATEMENT

After being formally notified of the Division of Retirement's intent to deny his request for inclusion in the Special Risk and Special Risk Administrative Support Classes, Mr. Krank timely filed a petition for hearing and the case was referred to the Division of Administrative Hearings.

Pursuant to notice, the Division of Administrative Hearings, by its duly designated Administrative Law Judge, Ella Jane P. Davis, held a formal hearing in the above-styled case on May 19, 1999, in Gainesville, Florida.

At the formal proceeding, Mr. Krank testified on his own behalf. The Division of Retirement presented the testimony of Kim Baldry and David Ragsdale. The Division's Exhibit 1 was admitted in evidence, along with seventeen joint exhibits. The transcript was not ordered.

The parties filed their proposed Recommended Orders on June 10, 1999. The Administrative Law Judge issued her Recommended Order on August 19, 1999; this Order is incorporated by reference into this Final Order. Petitioner has not filed exceptions to the Recommended Order.

STATEMENT OF THE ISSUES

The issues are succinctly stated by the Administrative Law Judge, in her Recommended Order, as follows:

- (1) Should Respondent Division of Retirement grant Petitioner's request to be included for retirement purposes in the Special Risk Class (SRC) from July 1, 1981 through October 24, 1985?
- (2) Should Respondent Division of Retirement grant Petitioner's request to be included in the Special Risk Administrative Support Class (SRASC) for the period October 25, 1985 until January 1, 1998?

FINDINGS OF FACT

The Division of Retirement accepts the Findings of Fact set forth in the Recommended Order; they are incorporated herein by reference.

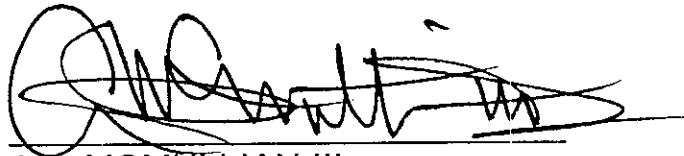
CONCLUSIONS OF LAW

The Division of Retirement accepts the Conclusions of Law set forth in the Recommended Order; they are incorporated herein by reference.

ORDER

Based on the foregoing, it is hereby ORDERED and DIRECTED that the Florida Division of Retirement enters this Final Order removing the Petitioner, Patrick Krank, from the Special Risk Class from July 1, 1981 to October 24, 1985 and from the Special Risk Administrative Support Class from October 25, 1985 to January 1, 1998, and the petition of Patrick Krank is hereby DISMISSED.

DONE AND ORDEDED this 22nd day of November, 1999, in Tallahassee, Leon County, Florida.

A handwritten signature in black ink, appearing to read 'A.J. McMullian III', written over a horizontal line.

A.J. MCMULLIAN III
STATE RETIREMENT DIRECTOR
DIVISION OF RETIREMENT
CEDARS EXECUTIVE CENTER
BUILDING C
2639 North Monroe Street
Tallahassee, FL 32399-1560

FILED WITH THE CLERK OF THE
DIVISION OF RETIREMENT, THE
22th DAY OF November, 1999.

Eddie C. Tanner

EDDIE TANNER

Clerk

Division of Retirement

COPIES FURNISHED:

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