

10-31-00

RD  
AT

STATE OF FLORIDA  
DIVISION OF RETIREMENT

FILED  
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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

FREDERICK STIEF,  
  
Petitioner,

Vs.

Case No. 00-1935  
DOR No.: 00-06  
SSN# 264-92-8964

CBA

DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF RETIREMENT

Respondent.

FINAL ORDER

PRELIMINARY STATEMENT

After being formally notified of the Division of Retirement's intent to deny his request for a refund of interest paid on his employee contribution which became due when he opted to change his retirement classification from the regular class to the special risk class for the period September 1974, through September 30, 1975, Mr. Stief 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, Claude B. Arrington, held a formal hearing in the above-styled case on September 27, 2000, by video teleconference between Tallahassee and Miami, Florida.

At the formal hearing, Petitioner testified on his own behalf and presented the additional testimony of Donald Allen, Deputy Director of the Miami-Dade County Employee Relations Department. Petitioner also offered 11 exhibits, 10 of which were admitted into evidence. Petitioner's Exhibit 4 was rejected.

Respondent offered the testimony of Larry Hunnicutt, Benefits Administrator of Respondent's Bureau of Retirement Calculations, and David Ragsdale, Benefits Administrator of Respondent's Bureau of Enrollment and Contributions. Respondent offered Exhibits 2 and 3, which were admitted into evidence.

No transcript was ordered and the parties filed their proposed Recommended Orders on October 10th and 11th, 2000. A recommended order was issued October 31, 2000, which is incorporated by reference into this Final Order. No exceptions to the Recommended Order have been filed.

STATEMENT OF THE ISSUES

The issue in this case is to determine whether Frederick Stief should be allowed a refund of interest paid on his employee contribution which became due when he opted to change his retirement classification from the regular class to the special risk class for the period September 1974, through September 30, 1975.

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

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

ORDER

Based on the foregoing, it is hereby ORDERED and DIRECTED that the Florida Division of Retirement denies the request of the Petitioner, Frederick Stief.

DONE AND ORDERED this 27<sup>th</sup> day of November 2000, in Tallahassee, Leon County, Florida.



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ERIN SJOSTROM  
STATE RETIREMENT DIRECTOR  
DIVISION OF RETIREMENT  
CEDARS EXECUTIVE CENTER  
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2639 NORTH MONROE STREET  
TALLAHASSEE, FL 32399-1560  
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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DIVISION OF RETIREMENT, AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

I HEREBY CERTIFY that this Final Order was filed in the official records of the Division of Retirement, and copies distributed by U.S. Mail to the parties below, on the 27<sup>th</sup> day of November, 2000.

Eddie C. Tanner

EDDIE C. TANNER  
Deputy Clerk  
Division of Retirement

Copies furnished to:

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