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DIVISION OF
ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA
DIVISION OF RETIREMENT

YVONNE WEINSTEIN,

Petitioner,

vs.

DOAH Case No. 01-1637
DMS DOR No.: 00-11
SSN# 261-76-7804

CA-Closed

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 her request for retroactive participation in the Deferred Retirement Option Program (DROP), Mrs. Weinstein 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 by video teleconference in the above-styled case on July 26, 2001, in Tallahassee and Miami, Florida.

At the formal proceeding, Mrs. Weinstein testified on her own behalf and offered no exhibits. Respondent offered the testimony of Doug Cherry, Benefits Administrator, Division of Retirement, and 3 exhibits, which were admitted into evidence.

No transcript was ordered and the parties filed their proposed Recommended Orders, which were considered by the Administrative Law Judge. A Recommended Order was issued August 10, 2001, 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 Yvonne Weinstein should be allowed to participate in the DROP retroactive from her application date of October 27, 1999, to her eligibility date of September 1, 1998.

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, Yvonne Weinstein for retroactive participation in the DROP.

DONE AND ORDERED this 7th day of September 2001, in Tallahassee, Leon County, Florida.



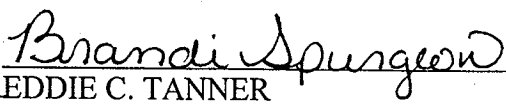
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NOTICE OF RIGHT TO JUDICIAL REVIEW

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 7th day of September, 2001.


for EDDIE C. TANNER
Deputy Clerk
Division of Retirement

Copies furnished to:

Yvonne Weinstein
15443 Southwest 137 Place
Miami, FL 33177

Judge Claude B. Arrington
Division of Administrative Hearings
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