

9-18-02

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES
DIVISION OF RETIREMENT

FILED
02 DEC 23 AM 9:16
DIVISION OF
ADMINISTRATIVE
HEARINGS

EDNA M. SHEPHERD,

AT

Final Order No. DMS-02-0035

Petitioner,

DOAH CASE NO. 02-2522

SFD-CWS

CASE NO. DMS-DOR02-14

vs.

STATE OF FLORIDA,
DEPARTMENT OF MANAGEMENT SERVICES,
DIVISION OF RETIREMENT,

Respondent.

_____ /

FINAL ORDER

This cause came before me for the purpose of issuing a final order. The Administrative Law Judge, Stephen F. Dean, assigned by the Division of Administrative Hearings (DOAH) in the above entitled cause submitted a Recommended Order and all exhibits offered into evidence to the Department of Management Services. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A".

APPEARANCE

For Petitioner:

Leon M. Boyajan, II, Esquire
2303 West Highway 44
Inverness, Florida 34453-3809

For Respondent:

Thomas E. Wright, Esquire
Department of Management Services
Office of the General Counsel
4050 Esplanade Way, Suite 260
Tallahassee, Florida 32399-0950

FINDINGS OF FACT

The Department hereby adopts and incorporates by reference the Findings of Fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

The Department hereby adopts and incorporates by reference the Conclusions of Law set forth in the Recommended Order.

Based upon the foregoing it is,

ORDERED and DIRECTED, that Petitioner's request to reinstate her disability retirement application is denied.

DONE and ORDERED this 18th day of December, 2002, at Tallahassee, Leon County, Florida.

NOTICE OF RIGHT TO JUDICIAL REVIEW

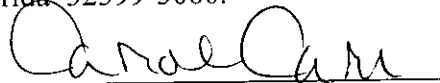
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF MANAGEMENT SERVICES, 4050 ESPLANADE WAY, SUITE 260, TALLAHASSEE, FLORIDA 32399-0950, 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.



ERIN B. SJOSTROM
State Retirement Director
Division of Retirement
Cedars Executive Center, Building C
2639 North Monroe Street
Tallahassee, Florida 32399-1560
(850) 488-5541

CLERK'S CERTIFICATE

I HEREBY CERTIFY that this Final Order was filed in the official records of the Department of Management Services on the 18th day of December, 2002, and that on the same date, copies were furnished to Thomas E. Wright, Esquire, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950; Leon M. Boyajan, II, Esq., 2303 West Highway 44, Inverness, Florida 34453-3809, and Judge Stephen F. Dean, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060.



Carol Carr

Clerk

Department of Management Services
4050 Esplanade Way, Suite 260
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