

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

AGUSTIN YSABEL and JACQUELINE)	
YSABEL, on behalf of and as)	
parents and natural guardians)	
of JEREMIAS YSABEL, a minor,)	
)	
Petitioners,)	
)	
vs.)	Case No. 02-2766N
)	
FLORIDA BIRTH-RELATED)	
NEUROLOGICAL INJURY)	
COMPENSATION ASSOCIATION,)	
)	
Respondent.)	
)	

FINAL ORDER APPROVING STIPULATION AND JOINT PETITION FOR
COMPENSATION OF CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY PURSUANT TO CHAPTER 766, FLORIDA STATUTES

This cause came on to be heard pursuant to Section 766.304, Florida Statutes, upon the Stipulation and Joint Petition of the parties, the original of which was filed January 8, 2003, for the entry of an order approving the resolution of a formal claim for compensation benefits heretofore filed in this cause in accordance with the provisions of Chapter 766, Florida Statutes, and a resolution of the exclusive remedy otherwise available as outlined in Chapter 766, Florida Statutes.

By the terms of their Stipulation, the parties have agreed that Petitioners, Agustin Ysabel and Jacqueline Ysabel, are the parents and natural guardians of Jeremias Ysabel (Jeremias), a

minor; that Jeremias was born a live infant on September 20, 1997, at Columbia Medical Center, d/b/a Osceola Regional Hospital, a hospital located in Kissimmee, Florida; and that his birth weight was in excess of 2,500 grams. The parties have further agreed that the physician delivering obstetrical services during the birth of Jeremias was Munira Zafar, M.D. who, at all times material hereto, was a participating physician in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by Section 766.302(7), Florida Statutes. Finally, by their stipulation, the parties have agreed that Jeremias suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), Florida Statutes.

After due consideration of the interests of all parties, and being otherwise fully advised in the premises, it is

ORDERED that:

1. The Stipulation of the parties, filed of record January 8, 2003, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. The Petitioners, Agustin Ysabel and Jacqueline Ysabel, are the parents and natural guardians of Jeremias Ysabel, a minor, are accorded an award of One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b), Florida Statutes, to be disbursed in accordance with the terms of the parties' Stipulation.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00) to the parents (claimants), attorney's fees and other expenses of Eleven thousand five hundred dollars (\$11,500.00) incurred in pursuing the subject claim, and payment of past expenses, the claims of Petitioners (claimants) shall be deemed fully satisfied and extinguished, except to the extent of Respondent's continuing obligation under the provisions of Section 766.31, Florida Statutes, to pay future expenses as incurred.

4. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any dispute as to the interpretation of any provision of the parties' Stipulation and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of such Stipulation.

DONE AND ORDERED this 9th day of January, 2003, in Tallahassee, Leon County, Florida.

WILLIAM J. KENDRICK
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 9th day of January, 2003.

COPIES FURNISHED:
(By certified mail)

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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 Sections 120.68 and 766.311, 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 Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal. See Section 120.68(2), Florida Statutes, and Florida Birth-Related Neurological Injury Compensation Association v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992). The Notice of Appeal must be filed within 30 days of rendition of the order to be reviewed.

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