

6-3-03

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

Division of State Group Insurance

FILED
03 JUN 19 AM 9:15
DIVISION OF
ADMINISTRATIVE
HEARINGS

ATT

ELSA L. LOPEZ

Petitioner,

Final Order No. DMS-03-015

v.

DOAH Case No. 03-0437

JVL-clos

DEPARTMENT OF MANAGEMENT
SERVICES, DIVISION OF STATE
GROUP INSURANCE,

Respondent.

_____ /

FINAL ORDER

This cause came before me for the purpose of issuing a final agency order. Administrative Law Judge John G. Van Laningham, assigned by the Division of Administrative Hearings (DOAH) to the above-titled case, issued a Recommended Order dated June 3, 2003, and provided to the undersigned that Recommended Order and all exhibits submitted into evidence in the above-titled case. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A."

Having considered the record herein, and being otherwise fully advised in the premises it is, hereby, **ORDERED AND ADJUDGED:**

FINDINGS OF FACT

1. The Division of State Group Insurance hereby adopts and incorporates by reference the Findings of Fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

2, The Conclusions of Law set forth in the Recommended Order are adopted in toto and incorporated herein by reference.

3. This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Management Services.

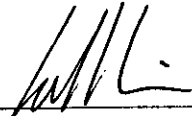
Based upon the foregoing, it is:

ORDERED AND ADJUDGED that the petition filed by Petitioner requesting reimbursement of dependent care expenses incurred during Plan Year 2001, is denied and the entire unused balance remaining in her account for that year is forfeited.

DONE AND ORDERED this 17th day of June, 2003.

NOTICE OF RIGHT TO APPEAL

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 A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF MANAGEMENT SERVICES, AND A 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.



William S. Simon, Secretary
Department of Management Services
4050 Esplanade Way, Suite 260
Tallahassee, Florida 32399-0950

Copies furnished to:

Margherita Downey, Esquire
Post Office Box 1188
West Palm Beach, Florida 33402

Ann Cole, Clerk of the Division
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

John Matthews, Director
Division of State Group Insurance
Department of Management Services
Tallahassee, Florida

Sonja Mathews, Assistant General Counsel
Office of the General Counsel
Department of Management Services
Tallahassee, Florida

Certificate of Clerk:

Filed in the office of the
Clerk of the Department of
Management Services on this
17th day of June, 2003.

Carol Ann

Agency Clerk