

12-19-03

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

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DIVISION OF ADMINISTRATIVE HEARINGS

MANTANA HEIM,

AT

Final Order No. DMS-04-005

Petitioner,

vs.

Case No. 03-0625

SDC-C105

DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF RETIREMENT

Respondent.

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**FINAL ORDER**

This cause came before the State Retirement Director for the purpose of the issuance of a final agency order. The Administrative Law Judge, Diane Cleavinger, assigned by the Division of Administrative Hearings (DOAH) in the above styled cause, entered a Recommended Order on December 19, 2003, attached hereto and incorporated herein as "Exhibit A."

Pursuant to Uniform Rules, Section 28-106.217, Florida Administrative Code, exceptions may be filed within 15 days of the date of entry of the Recommended Order. The Petitioner and Respondent have not filed exceptions.

APPEARANCE

For Petitioner: Mantana Heim, pro se  
2664 Radford Church Road  
Moneta, Virginia 24121-4496

For Respondent: Robert B. Button, Esquire  
Department of Management Services  
Office of the General Counsel  
4050 Esplanade Way, Suite 260  
Tallahassee, Florida 32399-0950

ISSUE

Whether the effective date of retirement as determined by the Respondent is correct, and whether the Respondent had a duty to inform Petitioner of when she was first eligible for an early retirement benefit.

FINDINGS OF FACT

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

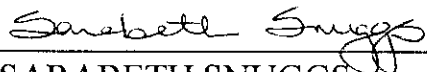
CONCLUSIONS OF LAW

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 the Petitioner's retirement date will remain as May 1, 2002, and it is ORDERED and DIRECTED that the Petition of Mantana Heim is DISMISSED.

DONE and ORDERED this 26<sup>th</sup> day of January, 2004, at Division of Retirement Headquarters, City of Tallahassee, Leon County, Florida.

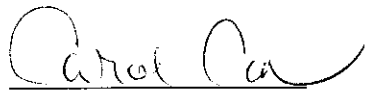
  
SARABETH SNUGGS  
Interim Director  
Division of Retirement  
Cedars Executive Center,  
Building C  
2639 North Monroe Street  
Tallahassee, Florida 32399-1560  
(850) 488-5541

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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Final Order was filed in the official records of the Department of Management Services and copies were furnished to: Robert B. Button, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950; Mantana Heim, 2664 Radford Church Road, Moneta, Virginia 24121-4496, and Judge Diane Cleavinger, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, the 26<sup>th</sup> day of January 2004.



Carol Carr

Clerk

Department of Management Services  
4050 Esplanada Way. Suite 260  
Tallahassee, Florida 32399-0950