

6-4-04

STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF RETIREMENT

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DIVISION OF ADMINISTRATIVE  
HEARINGS

LAVONDRA STEADMAN, o/b/o JOHN  
STEADMAN,

Petitioner,

Final Order No. DMS - 04-072

vs.

DOAH CASE NO. 04-1843  
DMS DOR03-49

AT

SF D-CLOS

DEPARTMENT OF MANAGEMENT  
SERVICES, DIVISION OF  
RETIREMENT,

Respondent.

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FINAL ORDER

This case came before me for the purpose of issuing a final agency order. The Administrative Law Judge, Stephen F. Dean, assigned by the Division of Administrative Hearings (DOAH) to the above-styled case, entered his Recommended Order dated June 4, 2004. In the Recommended Order, the Administrative Law Judge explained that the Division of Retirement could not process the Petitioner's Petition for Benefits absent a judicial order issued by a court of competent jurisdiction determining heirs and a judicial order of guardianship of minor heirs. At the time the Recommended Order was issued, the Petitioner had not submitted either order to the Division of Retirement. The Administrative Law Judge recommended that the Division of Retirement allow the Petitioner to submit the required judicial orders within 45 days of the date of the order. In addition, the Administrative Law Judge recommended the Division's dismissal of the Petition for Benefits, upon Petitioner's failure to provide the judicial orders within the 45 day time period.

Prior to the Administrative Law Judge's Recommended Order, the Petitioner submitted an Order Determining Beneficiaries to the Division of Retirement. Rather than submit the judicial orders identified by the Administrative Law Judge in response to the Recommended

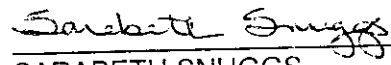
Order, the Petitioner filed a Notice of Exception stating that documents submitted prior to the Recommended Order fulfilled the requirements of the Recommended Order. Those documents were part of the application for benefits that the Administrative Law Judge determined are inadequate to support the Petition for Benefits. Because the exception is not responsive to the Recommended Order, it is rejected.

The Division hereby adopts and incorporates by reference the Recommended Order issued by the Administrative Law Judge on June 4, 2004. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A."

Based upon the foregoing, it is

ORDERED and DIRECTED that the application filed by Lavondra Steadman o/b/o John Steadman is rejected and the request for retirement benefits is hereby Denied.

DONE and ORDERED this 4<sup>th</sup> day of August, 2004, at Tallahassee, Leon County, Florida.

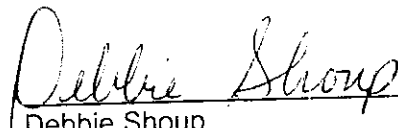
  
SARABETH SNUGGS  
State Retirement Director  
Division of Retirement  
Cedars Executive Center, Building C  
2639 North Monroe Street  
Tallahassee, Florida 32399-1560  
(850) 488-5541

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: Larry D. Scott, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950; James L. Homich, Esquire, 621 East Fifth Avenue, Mount Dora, Florida 32757, and Judge Stephen F. Dean, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, the 4th day of August, 2004.

  
Debbie Shoup  
Clerk  
Department of Management Services  
(850) 1082