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DIVISION OF ADMINISTRATIVE HEARINGS

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

HERMAN JOHNSON,
Petitioner,

Final Order No. DMS - 06-0010

vs.

Case No. 05-2428

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 agency order. The Administrative Law Judge, ELLA JANE P. DAVIS, assigned by the Division of Administrative Hearings in the above styled and numbered cause, submitted a Recommended Order and all exhibits offered into evidence to the State of Florida, Department of Management Services, Division of Retirement ("Division"). A copy of the Recommended Order is attached hereto and made a part hereof.

APPEARANCES

For Petitioner:

TERENCE M. BROWN, ESQ.
Brown & Broling, P.A.
486 North Temple Avenue
Starke, Florida 32091-0040

For Respondent:

GEOFFREY M. CHRISTIAN, ESQ.
Assistant General Counsel
Department of Management Services
Office of the General Counsel
4050 Esplanade Way, Suite 160
Tallahassee, Florida 32399-0950

FINDINGS OF FACT

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

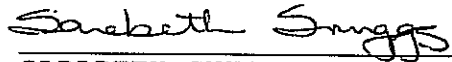
CONCLUSIONS OF LAW

The Division 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 request for a refund of, or credit equal to, the amount of the contributions he made to the Florida Retirement System for service between November 1971 and June 1972 is DENIED.

DONE and ORDERED this 17th day of MARCH, 2006, at Tallahassee, Leon County, Florida.



SARABETH SNUGGS
Director
Division of Retirement
Department of Management Services
1317 Winewood Boulevard
Building 8
Tallahassee, Florida 32399-1560
850-487-4133

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 THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing instrument was furnished, by U.S. Mail, to GEOFFREY M. CHRISTIAN, ESQ., Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950; TERENCE M. BROWN, ESQ., Brown & Broling, P.A., P.O. Box 40, Starke, Florida 32091-0040, and JUDGE ELLA JANE P. DAVIS, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, this

17~~th~~ day of MARCH, 2006.

Debbie Shoup
DEBBIE SHOUP
Clerk
Department of Management Services