

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CHARLES D. YOUNG, II,)
)
 Petitioner,)
)
 vs.) Case No. 06-1488
)
 DEPARTMENT OF JUVENILE JUSTICE,)
)
 Respondent.)
 _____)

RECOMMENDED ORDER

This cause came on for formal hearing before Harry L. Hooper, Administrative Law Judge with the Division of Administrative Hearings, on July 11, 2006, in Marianna, Florida.

APPEARANCES

For Petitioner: Charles D. Young, II
5364 Young Lane
Marianna, Florida 32448

For Respondent: Mary Linville Atkins, Esquire
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee, Florida 32399-3100

STATEMENT OF THE ISSUE

The issue is whether the Respondent, Department of Juvenile Justice is entitled to repayment for a salary overpayment made to Petitioner.

PRELIMINARY STATEMENT

Petitioner Charles D. Young, II (Mr. Young), was informed by a letter from his employer, Department of Juvenile Justice (the Department) dated November 3, 2005, that he had received pay to which he was not entitled in the amount of \$3,875.34. Subsequently, in a letter dated April 10, 2006, he was informed that a review of the amount owed demonstrated that he owed the Department \$2,214.12.

He was advised of his right to dispute the overpayment and in response requested an administrative hearing. The matter was forwarded to the Division of Administrative Hearings in a letter dated April 24, 2006. It was set for hearing in Marianna, Florida, and heard as scheduled on July 11, 2006.

Petitioner did not appear at the hearing. Respondent presented the testimony of Vivian Chambliss, a payroll specialist in the Department's Bureau of Personnel, and offered 11 exhibits into evidence and they were admitted.

No Transcript was prepared. After the hearing, Respondent filed its Proposed Findings of Fact and Conclusions of Law on July 24, 2006.

References to statutes are to Florida Statutes (2004) unless otherwise noted.

FINDINGS OF FACT

1. The Department is charged with planning, coordinating, and managing the delivery of all programs and services within the juvenile justice continuum.

2. Mr. Young was an employee of the Department during times pertinent.

3. The Department pays its personnel every two weeks. During pay periods ending January 1, 2004; January 29, 2004, February 12, 2004; and February 26, 2004, Mr. Young, perhaps believing he could be absent using leave from the sick leave pool, did not work and did not qualify for the salary payments he received.

4. Because state salary warrants are paid by exception, he received payments even though he did not submit a time sheet. Subsequently the Department prepared time sheets for Mr. Young. He did not sign these time sheets.

5. By November 3, 2005, the Department determined that five warrants had been issued inappropriately and that he owed the State of Florida \$3,875.34. Subsequently, the Department reviewed the records, and after taking into consideration Mr. Young's annual leave and the federal tax paid on his behalf, determined that he owed \$2,214.12.

6. The Department, through personnel records, demonstrated that this money was paid in error and should be returned by Mr. Young. Nothing in the evidence indicated otherwise.

CONCLUSIONS OF LAW

7. The Division of Administrative Hearings has jurisdiction over the subject matter of and the parties to this proceeding. § 120.57(1), Fla. Stat.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law, it is

RECOMMENDED that a Final Order be entered stating that Charles D. Young, II, owes the State of Florida \$2,214.12, and requiring the repayment of said sum forthwith.

DONE AND ENTERED this 26th day of July, 2006, in Tallahassee, Leon County, Florida.



HARRY L. HOOPER
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 26th day of July, 2006.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.