

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

FILED
09 JAN -5 PM 12:25
DIVISION OF
ADMINISTRATIVE
HEARINGS

SHERRY A. BLOW-BEASLEY

Petitioner,

CASE NO. 08-2487SED
RENDITION NO. DCF-08-338-FO

v.

DEPARTMENT OF CHILDREN AND
FAMILIES,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE is before me for entry of a Final Order. The Recommended Order concludes that petitioner's former position with the Department was properly reclassified from career service to select-exempt service as part of the Service First legislation in 2001. Petitioner filed two exceptions to the Recommended Order that are addressed below. The Recommended Order is approved and adopted.

Petitioner excepts to the finding of fact in Recommended Order paragraph 11, that she was notified concerning the reclassification of her position by letter dated June 15, 2001. Petitioner contends that she did not receive the June 15, letter until June 25, 2001, when she returned to work from medical leave. The exception is rejected for two reasons. First, the administrative law judge's (ALJ) finding of fact is supported by competent substantial evidence. Paragraph 11 finds that the letter was dated June 15, 2001, not that petitioner received it on that date. Second, petitioner has not demonstrated that her receipt of the June

15 letter on June 25 makes any difference in the reclassification issue presented in this case.

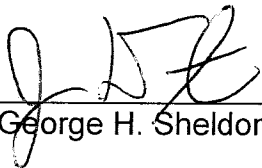
Petitioner also takes exception to the finding of fact in paragraph 12 of the Recommended Order, contending that it is an incomplete finding. Paragraph 12 notes that petitioner requested a demotion, rather than remaining in a select-exempt position following reclassification, but that her request was not granted. Petitioner contends that she was out on medical leave at the time her position was reclassified in June 2001, and that she requested the demotion because her health issues would not permit her to meet the demands of the position.

Petitioner argues that the issue of her medical leave and her subsequent request for a demotion have not been addressed in this proceeding.

This exception must be denied for the same reasons as petitioner's first exception. Petitioner has not demonstrated that the finding of fact in paragraph 12 lacks evidentiary support. Additionally, petitioner has not demonstrated that the issue of her medical leave and request for a demotion are pertinent to this proceeding. This proceeding is limited to the issue of whether the Department appropriately reclassified petitioner's position from career service to select-exempt service. The case turns on whether the duties of petitioner's former position met the statutory criteria for select-exempt service. Petitioner does not challenge any of the facts that the ALJ found and relied upon to conclude that the reclassification was lawful. Any other claim petitioner may wish to assert concerning her former Department employment would have to be raised in the appropriate forum.

Accordingly, the Department's reclassification of petitioner's Public Assistance Specialist Supervisor/ESS Supervisor Specialist position from career service to select-exempt service in June 2001, is upheld.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 24 day of December 2008.

for 
George H. Sheldon, Secretary

RIGHT TO APPEAL

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE A PARTY RESIDES OR IN THE FIRST DISTRICT COURT OF APPEAL. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA RULES OF APPELLATE PROCEDURE. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Final Order was provided to the above-named individuals at the listed addresses, by U.S. Mail, this 31 day of December, 2008.



Gregory D. Venz, Agency Clerk
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