

FILED

MAY 7 2012



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

Docketed by

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IN THE MATTER OF:

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURG, PA

Case No. 118645-11-WC
DOAH CASE NO. 11-3237

FILED
2012 MAY -8 A 11:08
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came on for consideration of and final agency action on the Recommended Order issued on February 18, 2012, attached hereto as Exhibit A. Pursuant to Section 120.57(1), Florida Statutes, a formal hearing was conducted on January 10, 2012, in Tallahassee, Florida, before Administrative Law Judge F. Scott Boyd. National Union Fire Insurance Company of Pittsburgh, PA. (National Union) timely filed exceptions to which no responses were filed. The Recommended Order, the transcript of proceedings, the admitted exhibits, the exceptions and applicable law were all considered in the promulgation of this Final Order.

Rulings on the Exceptions

National Union's first exception seek correction of scrivener's error in the spelling of a witness's name. The exception is accepted and the record is corrected to reflect the witness's true name of Marjorie Constantine instead of "Margorit" Constantine.

National Union's second exception seeks to correct the nomenclature of the respective parties used by the ALJ in paragraphs 33 and 41 of the Recommended Order, wherein it appears that the ALJ inadvertently reversed their roles in paragraph 41. A review of the record shows that the exception is well-taken. Accordingly, the term

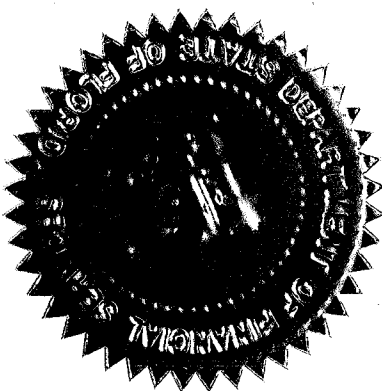
"Respondent" in paragraph 41 is replaced with the term "Petitioner". This substitution is as or more reasonable than the original wording.

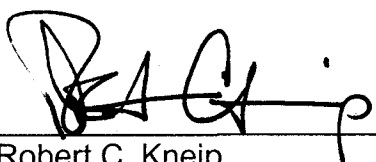
National Union's third exception seems to take issue with certain Conclusions of Law in the Recommended Order, but fails to show that those conclusions are without support in the record or that the challenged conclusions are clearly erroneous as a matter of law. The exception seems to do little more than urge an alternative interpretation of statutory language, simply out of preference rather than necessity so as to support the conclusions as stated. Accordingly, this exception is rejected.

National Union's fourth exception is dependent on the acceptance of the third exception. As the third exception has been rejected, the fourth exception must also be and is hereby rejected.

Accordingly, IT IS HEREBY ORDERED that, except as noted above, the ALJ's Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted as the Department's Findings of Fact and Conclusions of Law, and because National Union Fire Insurance Company of Pittsburg, PA. made no more than 25 late payments during the audit period, that number being below the applicable penalty threshold, no fines for improper benefit disbursement practices are imposed and this cause is dismissed.

DONE and ORDERED this 7th day of May, 2012.





Robert C. Kneip
Chief of Staff

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, DFS Agency Clerk, at 612 Larson Building, Tallahassee, Florida 32399-0390 and a copy of the same with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

Copies furnished to:

Kimberly J. Fernandes, Esquire
Mary E. Ingley, Esquire (For Department)
F. Scott Boyd, ALJ