

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FILED  
2012 MAR 16 A 10: 74  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

RENEE RADICELLA,

Petitioner,

Final Order No. DMS – 12-0012

vs.

CASE NO. 11-5491

STATE OF FLORIDA,  
DEPARTMENT OF MANAGEMENT SERVICES,  
DIVISION OF RETIREMENT,

Respondent.

FINAL ORDER

This cause came before the Secretary of the Department of Management Services, for the purpose of the issuance of a final agency order. The Administrative Law Judge, Elizabeth W. McArthur, assigned by the Division of Administrative Hearing (DOAH) in the above styled cause, entered a Recommended Order on February 27, 2012, attached hereto and incorporated herein as "Exhibit A."

Pursuant to Uniform Rules, Section 28-106.217, Florida Administrative Code, exceptions may be filed within 15 days of the date of entry of the Recommended Order. The Petitioner and Respondent have not filed exceptions.

APPEARANCE

For Petitioner: Edward K. Kim, Esquire  
Law Office of Edward K. Kim  
1907 West Kennedy Boulevard  
Tampa, Florida 33606-1530

For Respondent: Larry D. Scott, Esquire  
Department of Management Services  
Office of the General Counsel  
4050 Esplanade Way, Suite 160  
Tallahassee, Florida 32399-0950

ISSUE

The issue in this case is whether Petitioner is entitled to change the type of her retirement benefits from early service retirement to disability retirement.

FINDINGS OF FACT

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

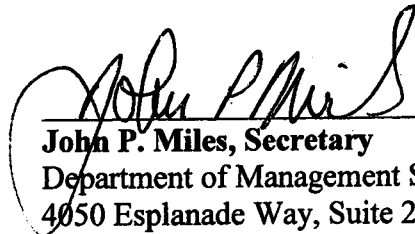
CONCLUSIONS OF LAW

The Department 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 to change from early service retirement benefits to disability benefits is DENIED.

DONE AND ORDERED this 15<sup>th</sup> day of March, 2012.

  
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**John P. Miles, Secretary**  
Department of Management Services  
4050 Esplanade Way, Suite 285  
Tallahassee, Florida 32399-0950

Copies:

Elizabeth W. McArthur  
Administrative Law Judge  
✓ Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

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**NOTICE OF RIGHT TO APPEAL**

Unless expressly waived by a party such as in a stipulation or in other similar forms of settlement, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Management Services, and a copy, accompanied by filing fees prescribed by law, with the Clerk of the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Fla.R.App.P., and section 120.68, Florida Statutes.

Certificate of Clerk:

Filed in the office of the Clerk of the  
Department of Management Services  
On this 15th day of March,  
2012.

  
\_\_\_\_\_  
Agency Clerk