

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

MARISOL DURAN,

2012 DEC 27 AM 11 54

Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

v.

DOAH CASE NO.: 12-2259

DEPARTMENT OF MANAGEMENT
SERVICES, DIVISION OF STATE
GROUP INSURANCE,

Final Order No. DMS – 12-0073

Respondent.

FINAL ORDER

THIS MATTER has come before the undersigned for the purpose of issuing a Final Order, in accordance with Section 120.569 (2)(l), Florida Statutes (2012).

On October 4, 2012, Administrative Law Judge Edward T. Bauer issued a Recommended Order which recommended that the Department of Management Services (Department) enter a Final Order denying Petitioner's request to enroll in the State Group Insurance Program (Program).

Neither Party has submitted either a transcript of the hearing nor filed any exceptions to the Recommended Order.

EXPLANATION OF THE CASE

As stated in section 110.123 (3), Florida Statutes (2012), in creating the Program, the Legislature intended to offer state employees health insurance benefits in a cost-efficient and prudent manner. Pursuant to Section 110.123(5), Florida Statutes (2012), the Division of State Group Insurance of the Department shall supervise the Program and adopt rules necessary to perform its responsibilities. Rule 60P-2.002, Enrollment, F.A.C., allows an employee sixty (60) calendar days of State employment to enroll in the Program.

On or about November 22, 2011, the Petitioner was hired as a full time state employee with the title of Deputy Clerk at the Department of Economic Opportunity. The Petitioner was informed of this time period and testified that she was aware of the 60 day time period.

On December 13, 2011, the Petitioner logged on the People First system with the intent to make her benefit elections and complete her enrollment in health, vision, and dental plans. Judge Bauer found that he was not persuaded by the greater weight of the evidence that Petitioner completed the process' final two steps of enrollment confirmation on December 13, 2011. Additionally, Judge Bauer found that the Petitioner did not make any other attempt to complete nor confirm her enrollment during the 60 day period of time.

After a review of the entire record, the undersigned has determined that the record supports the Judge's conclusion that the Petitioner did not elect any benefits during her 60 day new hire time period. Therefore, this Final Order is entered.

FINDINGS OF FACT

The Findings of Fact set forth in the Recommended Order is adopted in its entirety and is incorporated by reference herein.

CONCLUSIONS OF LAW

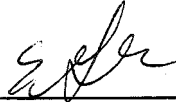
The Conclusions of Law set forth in the Recommended Order is adopted in its entirety and is incorporated by reference herein.

WHEREFORE, IT IS ORDERED AND ADJUDGED:

1. The Recommended Order issued in this case is adopted in its entirety and is incorporated herein by reference.
2. Based on the Findings of Fact and Conclusions of Law contained in the Recommended Order and adopted by the Department of Management Services in this Final Order, the Petitioner's request to enroll in the State Group Insurance Program is denied.

3. This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Management Services.

DONE AND ORDERED this 21 day of, December 2012.



ERIN ROCK, Chief of Staff
Department of Management Services
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Copies furnished to:

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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
the Department of Management Services
on this 26 day of December, 2012.



Agency Clerk