

**STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES**

MICHAEL GLEN O'BRIEN,

Petitioner,

DOAH CASE NO.: 12-3396

v.

Final Order No. DMS – 12-0070

**DEPARTMENT OF MANAGEMENT
SERVICES, DIVISION OF STATE
GROUP INSURANCE**

Respondent.

_____ /

FINAL ORDER OF DISMISSAL

THIS MATTER has come before the undersigned for the purpose of issuing a final order pursuant to section 120.569(1), Florida Statutes.

DOAH PROCEEDINGS

The Petitioner, MICHAEL GLEN O'BRIEN, is a participant in the State's self-insured group health insurance plan, known as the "State Employees' PPO Plan" (State Plan), and he petitioned to contest the denial of benefits. As provided in section 110.123(3), Florida Statutes, the Division of State Group Insurance is responsible for the administration of the State Plan.

Petitioner requested that certain medical expenses be covered under the State Plan. DMS denied his Level II appeal for coverage. The Division of State Group Insurance considered the medical procedure to be experimental or investigational.


This matter was held in abeyance by the Administrative Law Judge (ALJ), pending an external medical review. Based upon that report, the Petitioner chose to request a dismissal of his appeal.

On December 11, 2012, the Administrative Law Judge (ALJ), Suzanne Van Wyk, issued an Order Closing File and Relinquishing Jurisdiction, see attachments.

Based upon the foregoing, it is **ORDERED** and **ADJUDGED**:

1. A Final Order of Dismissal is entered and the appeal is dismissed in its entirety.
2. 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, Tallahassee, Florida.



ERIN ROCK, Chief of Staff
Department of Management Services
4050 Esplanade Way
Tallahassee, Florida 32399-0950

Copies furnished to:

Michael Glen O'Brian
1833 Halstead Blvd., Apt. 214
Tallahassee, FL 32309


Allison H. Deison, Attorney
Assistant General Counsel
Office of the General Counsel
4050 Esplanade Way

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 26th day of December, 2012.



Agency Clerk

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MICHAEL GLEN O'BRIEN,

Petitioner,

DOAH Case No. 12-3396

vs.

Department of Management Services,
Division of State Group Insurance,
Respondent.

Notice of Voluntary Dismissal

This Respondent files this notice of voluntary dismissal on behalf of both parties, and states:

This matter was held in abeyance, pending an external medical review. Based upon that report, the Petitioner has chosen to dismiss his appeal. See Attachment A.

Wherefore, the Parties request that this matter be dismissed with prejudice.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U. S. mail, this 10th day of December 2012, to 1833 Halstead Blvd., Apt. 214 Tallahassee, Florida 32309.

Respectfully submitted,



Sonja P. Mathews
Florida Bar ID No. 163680
Allison Deison
Florida Bar ID No. 0143855
Office of the General Counsel
Department of Management Services
4050 Esplanade Way, Suite 160
Tallahassee, Florida 32399-0950
850-922-9665- Telephone
850-922-6312- Telecopier

Mathews, Sonja

From: O'Brien, Michael <mobrien@admin.fsu.edu>
Sent: Monday, December 10, 2012 11:18 AM
To: Mathews, Sonja
Subject: appeal

Ms. Mathews,
I have received MCMC's review of my case and am hereby dropping my appeal.
Thank you,
Mike O'Brien

Michael O'Brien
GIS / Data Services
Florida Natural Areas Inventory
Florida State University
850-224-8207 ext. 211
mobrien@fsu.edu

Attachment A

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MICHAEL GLEN O'BRIEN,)
)
 Petitioner,)
)
 vs.) Case No. 12-3396
)
 DEPARTMENT OF MANAGEMENT)
 SERVICES, DIVISION OF STATE)
 GROUP INSURANCE,)
)
 Respondent.)
)
 _____)

ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on the parties' Notice of Voluntary Dismissal filed December 10, 2012, and the undersigned being fully advised, it is, therefore,

ORDERED that the file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the Department of Management Services, Division of State Group Insurance.

DONE AND ORDERED this 11th day of December, 2012, in Tallahassee, Leon County, Florida.



SUZANNE VAN WYK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 11th day of December, 2012.