

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BARBARA HEWIETT AND MICHAEL
JENKINS, on behalf of and as
parents and natural guardians of
DESTINY HEWIETT, a minor,

Petitioners,

vs.

Case No. 15-1220N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

SHANDS LAKE SHORE REGIONAL
MEDICAL CENTER,

Intervenor.

_____ /

FINAL ORDER APPROVING STIPULATION

This cause came on for consideration upon the Stipulation Pertaining to Lump Sum Payment for Bathroom and/or Handicap Modifications of Dwelling (Stipulation) filed with the Division of Administrative Hearings on December 6, 2018, by Destiny Hewiett's legal guardians, Larry Ogburn and Angela Ogburn,^{1/} and Respondent, Florida Birth-Related Neurological Injury Compensation Association.

Successor guardians and Respondent have come to an agreement regarding a claim filed by successor guardians for

bathroom and/or handicap modifications. They have agreed as follows:

Respondent agrees to pay successor guardian(s) \$30,000.00 as a one-time only, lump sum payment for any and all bathroom and/or handicap modifications forever required for any residence.

Successor guardian(s) agree(s) and accept(s) this one-time payment as a full and final payment towards bathroom and/or handicap modifications to his/her/their current house located at 16862 Pine Forest Drive, White Springs, Florida 32096, and agrees that said payment precludes successor guardians' entitlement to any future payment from NICA for bathroom and/or handicap modifications for this house or any other house purchased, built or rented or lived in by Petitioner(s) in the future. Should successor guardian(s) elect to move or have any other modifications performed to his/her/their current home, or any other home purchased, built, rented or lived in by successor guardian(s), any future modifications will be solely at successor guardians' expense.

After due consideration of the interests of the parties, and being otherwise fully advised in the premises, it is

ORDERED:

1. Successor guardians' and Respondent's Stipulation is approved.

2. The parties shall abide by the terms of the Stipulation.

DONE AND ORDERED this 18th day of December, 2018, in
Tallahassee, Leon County, Florida.



W. DAVID WATKINS
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
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Filed with the Clerk of the
Division of Administrative Hearings
this 18th day of December, 2018.

ENDNOTE

^{1/} It is unclear in this record as to when the original
Petitioners, Barbara Hewiett and Michael Jenkins, ceased to be
the legal guardians of Destiny Hewiett, and were succeeded by
Larry and Angela Ogburn as legal guardians. Presumably the
legal documents reflecting this change are on file with
Respondent.

COPIES FURNISHED:
(via certified mail)

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).