

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ALAYNA HAGAN, on behalf of and
as Parent and Natural Guardian
of ADDYSON HAGAN, a minor,

Petitioner,

vs.

Case No. 17-4266N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent.

_____ /

SUMMARY FINAL ORDER OF DISMISSAL

This came on for consideration upon a Notice of Voluntary Dismissal with Prejudice of Petition for Benefits, filed by Petitioner on September 17, 2018.

STATEMENT OF THE CASE

On July 24, 2017, Petitioner filed a Petition for Benefits Filed Pursuant to Florida Statute Section 766.301, Florida Statutes, et seq. The cited statutory provision is otherwise known as the Florida Birth-Related Neurological Injury Compensation Plan (the Plan).

On January 4, 2018, Respondent filed a Response to Petition, determining that Addyson Hagan (Addyson) did not suffer an injury that is compensable under the Plan.

On August 22, 2017, Flagler Hospital, Inc., filed a petition to intervene, which was granted by Order dated September 6, 2017.

On February 14, 2018, the parties jointly requested that a hearing be scheduled to address the issues of compensability and notice.

By Order dated March 5, 2018, the final hearing was scheduled for July 25, 2018, in St. Augustine, Florida. However, at the request of the parties the hearing was continued to October 5, 2018.

On September 6, 2018, Flagler Hospital filed a Notice of Withdrawal of the Motion to Intervene, and by Order dated September 17, 2018, Flagler Hospital was permitted to withdraw its intervention in this matter. On that same day, Petitioner filed a Notice of Voluntary Dismissal with Prejudice of Petition for Benefits.

CONCLUSION

Based on the foregoing, it is ORDERED that the Petition filed by Petitioner Alayna Hagan, on behalf of and as parent and natural guardian of Addyson Hagan, a minor, is dismissed with prejudice.

DONE AND ORDERED this 21st day of September, 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
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 21st day of September, 2018.

COPIES FURNISHED:
(via certified mail)

Kenney Shipley, Executive Director
Florida Birth Related Neurological
Injury Compensation Association
2360 Christopher Place, Suite 1
Tallahassee, Florida 32308
(eServed)
(Certified Mail Number 7018 0040 0000 9779 0187)

Grant A. Kuvin, Esquire
Morgan & Morgan
76 South Laura Street, Suite 1100
Jacksonville, Florida 32202
(eServed)
(Certified Mail Number 7018 0040 0000 9779 0194)

M. Mark Bajalia, Esquire
Bajalia Law
11512 Lake Mead Avenue, Suite 301
Jacksonville, Florida 32256
(eServed)
(Certified Mail Number 7018 0040 0000 9779 0200)

Paula J. Lozano, Esquire
Walters Levine & Lozano
Sarasota City Center
1819 Main Street, Suite 1110
Sarasota, Florida 34236
(eServed)
(Certified Mail Number 7018 0040 0000 9779 0217)

Amie Rice, Investigation Manager
Consumer Services Unit
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
(Certified Mail Number 7018 0040 0000 9779 0224)

Justin Senior, Secretary
Health Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 1
Tallahassee, Florida 32308
(eServed)
(Certified Mail Number 7018 0040 0000 9779 0231)

Thomas A. Searle, M.D.
300 Health Park Boulevard, Suite 3002
St. Augustine, Florida 32086
(Certified Mail Number 7018 0040 0000 9779 0248)

Michele G. Rogero, A.R.N.P.
300 Health Park Boulevard, Suite 3002
St. Augustine, Florida 32086
(Certified Mail Number 7018 0040 0000 9779 0255)

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).