

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-1172

MARIO LARRIGUI-NEGRON,

Appellant,

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Appellee.

On appeal from the Division of Administrative Hearings.
J. Bruce Culpepper, Administrative Law Judge.

October 11, 2019

PER CURIAM.

Appellant challenges the Administrative Law Judge's (ALJ) denial of his petition to reduce an Agency for Healthcare Administration (AHCA) Medicaid lien on his settlement with a third-party tortfeasor. He contends that the ALJ erred by rejecting uncontradicted evidence that the Medicaid lien should be reduced without identifying a reasonable basis in the evidence to do so. We agree.

Here, as in *Eady v. State*, No. 1D18-1852 (Fla. 1st DCA Sept. 12, 2019), appellant put forth sufficient facts to establish that the Medicaid lien should be reduced while AHCA presented no contradictory evidence. Since there was no reasonable basis for the

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DIVISION OF ADMINISTRATIVE HEARINGS

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ALJ to reject appellant's evidence, we find that the ALJ erred as a matter of law in concluding that appellant failed to prove his case by a preponderance of the evidence. Accordingly, we remand the cause to DOAH for the ALJ to reduce AHCA's Medicaid lien to \$11,637.54. *See Giraldo v. Agency for Health Care Admin.*, 248 So. 3d 53, 56 (Fla. 2018).

WOLF, ROBERTS, and ROWE, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Bryan S. Gowdy and Meredith A. Ross of Creed & Gowdy, Jacksonville; and John Staunton of Staunton & Faglie, PL, Clearwater, for Appellant.

Alexander R. Boler, Tallahassee, for Appellee.