

**STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES**

**DELORIS WILLIAMS,**

**Petitioner,**

vs.

**Final Order No.: DMS-20 -0046  
DOAH CASE NO.: 19-5499**

**STATE OF FLORIDA,  
DEPARTMENT OF MANAGEMENT SERVICES,  
DIVISION OF RETIREMENT,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER**

This matter comes before the Department of Management Services (“Department”) for entry of a Final Order in accordance with section 120.569(1), Florida Statutes.

On March 4, 2020, Cathy Sellars, Administrative Law Judge, issued a Recommended Order recommending that the Department enter a final order denying Petitioner Deloris Williams’ (“Ms. Williams”) request to change the FRS retirement benefits payment option selection made by her late husband. Ms. Williams filed exceptions to the Recommended Order on March 20, 2020. After a thorough review of the record, including the exceptions filed by Ms. Williams, Florida law, and being fully advised in the premises, the Department hereby makes the following findings of fact and conclusions of law:

**FINDINGS OF FACTS**

Following a thorough review of the record, the Findings of Facts set forth in the Recommended Order are hereby adopted in their entirety and are incorporated herein by reference.

### CONCLUSIONS OF LAW

Following a thorough review of the record and applicable laws, the Conclusions of Law set forth in the Recommended Order are adopted in their entirety and are incorporated herein by reference.

### RULING ON EXCEPTIONS

Ms. Williams filed exceptions to the Recommended Order claiming she was denied the right to present [REDACTED] evidence about her late husband's [REDACTED]. As stated in the Recommended Order on page 2, Ms. Williams "did not tender any exhibits for admission into evidence." In paragraph 22 of the recommended order, the ALJ found that no direct [REDACTED] evidence was presented that Ms. Williams' husband was [REDACTED] at the time he signed the Form FRS-11o. The ALJ, as the finder of fact, is entitled to make factual findings that cannot be disturbed unless they are not supported by competent substantial evidence, or that the proceedings on which the findings were based did not comply with essential requirements of the law. The ALJ also determines whether a party has met its burden. Here, the ALJ correctly determined that Ms. Williams failed to present evidence that her late husband was [REDACTED] at the time he signed the Form FRS-11o. The ALJ ultimately found Ms. Williams was not legally authorized to change the retirement benefits payment option that her husband selected when he retired. Recommended Order at ¶ 37. Therefore, the exceptions filed by Ms. Williams are denied.

It is hereby **ORDERED AND ADJUDGED:**

1. The Recommended Order issued in this case is adopted and incorporated herein by reference;
2. The exceptions filed by Ms. Williams are **DENIED**;

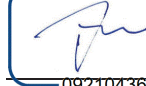
3. The Department's decision to deny Petitioner's request to change the FRS retirement benefits payment option selected by her late husband, an FRS member, is hereby

**AFFIRMED**; and

4. The final Order shall become effective on the date of filing with the Department's Agency Clerk.

**DONE** and **ORDERED** on this \_\_\_\_\_ day of 7/28/2020 | 2:39 PM EDT, 2020.

DocuSigned by:



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**JONATHAN SATTER**, Agency Secretary  
Department of Management Services  
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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 the 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, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

Certificate of Clerk:

Filed in the Office of the Agency  
Clerk of the Department of Management  
Services on this 29th day of  
July, 2020



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Diane Wint  
Agency Clerk