

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

DEBORAH MEISENBURG,

Petitioner,

v.

Final Order No: DMS-20-~~0001~~⁰⁰⁰¹
DOAH Case No: 19-6127

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

Respondent.

FINAL ORDER OF DISMISSAL

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

FINDINGS OF FACT

1. On September 17, 2019, pursuant to Rule 28-106.201, Florida Administrative Code, Aviation West Charters, d/b/a, Angel MedFlight sent a letter attempting to “collect a debt” which was correctly deemed by the Respondent’s General Counsel’s Office as a *Petition for Formal Administrative Hearing* filed with the Department of Management Services disputing the denial of certain health benefits on behalf of subscriber Deborah Meisenburg who is deceased.
2. On November 15, 2019, the matter was referred to the Division of Administrative Hearings.
3. Thereafter, Angel MedFlight voluntarily withdrew the petition via email on December 13, 2019. Further action is time barred.
4. According to a published obituary, Deborah Meisenburg died on January 5, 2019.

5. The Division of Administrative Hearings issued an *Order Closing File and Relinquishing Jurisdiction* on January 7, 2020.

CONCLUSIONS OF LAW

7. In administrative proceedings, agency jurisdiction ceases to exist when a petition is withdrawn or voluntarily dismissed. *Rudloe v. Florida Department of Environmental Regulation*, 517 So. 2d 731, 732 (Fla. 1st DCA 1987).
8. This matter is now due to be dismissed because the Department's jurisdiction ceased when Petitioner voluntarily dismissed the petition.

It is hereby **ORDERED AND ADJUDGED:**

1. Petitioner's request for formal administrative hearing is hereby **DISMISSED**; and
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 22 day of January, 2020.



JONATHAN SATTER, Agency Secretary
Department of Management Services
4050 Esplanade Way, Suite 285
Tallahassee, Florida 32399

Copies Furnished to:

Estate of Deborah Meisenburg (Deceased)

[REDACTED]

Aviation West Charters d/b/a Angel MedFlight
c/o John Shamblin, Esquire
17851 N. 85th Street, Suite 350
Scottsdale, AZ 85255
Email: JShamblin@angelmedflight.com

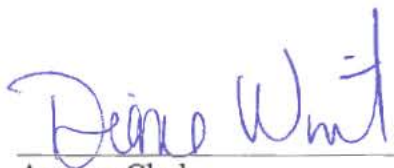
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NOTICE OF RIGHT TO APPEAL

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 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
the Department of Management Services
on this 22nd day of January 2020.



Agency Clerk