

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF APPEAL HEARINGS

[REDACTED]

APPEAL NO. 12N-00002

PETITIONER,

Vs.

ADMINISTRATOR

[REDACTED]

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

A hearing request was received in this matter on December 21, 2011, from the ombudsman on behalf of the petitioner. On January 31, 2012, the Agency for Health Care Administration informed the hearing officer that the petitioner was no longer at the facility. The hearing officer contacted the ombudsman. The ombudsman provided the hearing officer with the petitioner's new address.

Pursuant to notice sent on February 3, 2012, an administrative hearing was scheduled for February 24, 2012 at 9:00 a.m. at the facility. The notice was sent to the respondent, the ombudsman, the petitioner's representative and the petitioner at the petitioner's new address.

On February 24, 2012, at 9:00 a.m., the hearing officer and the respondent were present for the hearing. The hearing officer waited 30 minutes. The petitioner, the petitioner's representative, and the ombudsman did not appear.

The petitioner did not notify the hearing officer she would be unable to attend prior to the hearing. The Notice of Hearing sent to the petitioner stated: "If you or your authorized representative cannot appear at the hearing, you should contact the undersigned hearing officer...If you or your representative fail to appear for the hearing as scheduled in this notice, without good cause, your request will be considered abandoned..."

The hearing officer held the case until February 29, 2012. There was no contact from the petitioner or the petitioner's representative. Therefore, the hearing was considered abandoned as set forth in the Fla. Admin. Code R. 65-2.061: "Abandonment may be deemed to have occurred if the appellant, without good cause therefore, fails to appear by himself, or an authorized representative at the Hearing schedule for such appellant..." As the petitioner has abandoned the hearing, the hearing officer enters this Order finding for the facility.

NOTICE OF RIGHT TO APPEAL

The decision of the hearing officer is final. Any aggrieved party may appeal the decision to the district court of appeals in the appellate district where the facility is located. Review procedures shall be in accordance with the Florida Rules of Appellate Procedure. To begin the judicial review, the party must file one copy of a "Notice of Appeal" with the Agency Clerk, Office of Legal Services, Bldg. 2, Rm. 204, 1317 Winewood Blvd., Tallahassee, FL 32399-0700. The party must also file another copy of the "Notice of Appeal" with the appropriate District Court of Appeal. The Notices must be filed within thirty (30) days of the date stamped on the first page of the final order. The petitioner must either pay the court fees required by law or seek an order of indigency to waive those fees. The department has no funds to assist in this review, and any financial obligations incurred will be the party's responsibility.

DONE and ORDERED this _____ day of _____, 2012,
in Tallahassee, Florida.

Linda Jo Nicholson
Hearing Officer
Building 5, Room 255
1317 Winewood Boulevard
Tallahassee, FL 32399-0700
Office: 850-488-1429
Fax: 850-487-0662
Email: Appeal_Hearings@dcf.state.fl.us

Copies Furnished To: [REDACTED] Petitioner
[REDACTED] Respondent
[REDACTED], Agency for Health Care Administration
[REDACTED] for the petitioner
[REDACTED] LTCOC manager