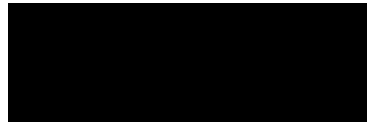


Feb 03, 2016

Office of Appeal Hearings  
Dept. of Children and FamiliesSTATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES  
OFFICE OF APPEAL HEARINGSAPPEAL NO. 15F-09101  
15F-09102

PETITIONER,

Vs.

FLORIDA DEPARTMENT  
OF CHILDREN AND FAMILIES  
CIRCUIT: 14 Bay  
UNIT: 55143

RESPONDENT.

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/**FINAL ORDER**

Pursuant to notice, the undersigned convened an administrative hearing telephonically in the above-referenced matters on December 3, 2015 at 9:38 a.m. The petitioner was present. Amy Sumner, ACCESS Supervisor, Antoinette Santillo, ACCESS supervisor and Michelle McDonald, Public Benefits Integrity Investigator, represented the Department.

Petitioner filed these appeals due to the Department's action of closing her Food Assistance and Medicaid effective November 30, 2015. The Department explained the petitioner's benefits were closed at the instruction of the Public Benefits Integrity Investigator. The petitioner also requested a letter clearing the names of herself and her husband of any wrongdoing in this investigation.

The petitioner and Department worked subsequent to the hearing to review the petitioner's case documentation and reopen the petitioner's Food Assistance and

Medicaid benefits. The petitioner has notified the undersigned that she is satisfied with the Department's action in relation to reestablishing her eligibility for benefits.

The petitioner informed the undersigned, as of January 28, 2016, that she has not received a statement from the Public Benefits Integrity investigator or the investigator's supervisor that the names of herself and her husband are cleared of any wrongdoing in this matter.

Fla. Admin. Code R. 65-2.044 "Right to Request a Hearing"

Any applicant/recipient dissatisfied with the Department's action or failure to act has a right to request a Hearing. He/she may do so when it is believed that:

- (1) Opportunity to make application has been denied.
- (2) The application has been rejected.
- (3) The application has not been acted upon within a reasonable length of time.
- (4) The benefits have been modified or discontinued.
- (5) Reconsideration of the assistance/service benefits is refused or delayed.
- (6) Opportunity has not been given to make a choice of service.
- (7) Any other DCF action (or inaction) is incorrect.

Fla. Admin. Code R. 65-2.046 "Basis of Hearings" states:

The Hearing shall include consideration of:

- (1) Any Agency action, or failure to act with reasonable promptness, on a claim of Financial Assistance, Social Services, Medical Assistance, or Food Stamp Program Benefits, which includes delay in reaching a decision on eligibility or in making a payment, refusal to consider a request for or undue delay in making an adjustment in payment, and discontinuance, termination or reduction of such assistance.
- (2) Agency's decision regarding eligibility for Financial Assistance, Social Services, Medical Assistance or Food Stamp Program Benefits in both initial and subsequent determination, the amount of Financial or Medical Assistance or a change in payments.
- (3) The Hearing Officer must determine whether the department's decision on eligibility or procedural compliance was correct at the time the decision was made. The hearings are de novo hearings, in that, either party may present new or additional evidence not previously considered by the department in making its decision.

The above controlling authority establishes the basis of hearings. Specifically, the Department action must affect the petitioner's ability to participate in the program(s). The Department reestablished the petitioner's eligibility for Food Assistance and Medicaid. The petitioner has acknowledged the Department has taken action and no benefits have been lost. The undersigned concludes the matters are resolved and dismisses the appeals as moot.

The undersigned acknowledges the petitioner's desire to have a letter from the Public Benefits Integrity office clearing the name of herself and her husband. The undersigned lacks jurisdiction to require such a letter. The petitioner may contact the Office of Client Relations at 850-747-5453 for assistance receiving the requested letter.

**NOTICE OF RIGHT TO APPEAL**

This decision is final and binding on the part of the Department. If the petitioner disagrees with this decision, the petitioner may seek a judicial review. To begin the judicial review, the petitioner 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 petitioner 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 petitioner is responsible for any financial obligations incurred as the Department has no funds to assist in this review.

DONE and ORDERED this 03 day of February, 2016,  
in Tallahassee, Florida.



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Melissa Roedel  
Hearing Officer  
Building 5, Room 255  
1317 Winewood Boulevard

FINAL ORDER (Cont.)  
15F-09101 and 15F-09102  
PAGE -4

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Copies Furnished To: [REDACTED] Petitioner  
Office of Economic Self Sufficiency