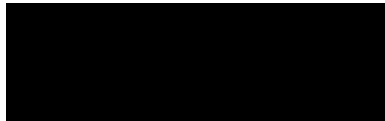


Jan 12, 2016

Office of Appeal Hearings
Dept. of Children and Families

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



APPEAL NO. 15F-10031
15F-10032

PETITIONER,

Vs.

CASE NO. 

FLORIDA DEPARTMENT OF
CHILDREN AND FAMILIES
CIRCUIT: 01 Walton
UNIT: 88630

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

Pursuant to notice, a telephonic administrative hearing in the above referenced matter was convened on January 6, 2016 at 9:43 a.m.

APPEARANCES

For the Petitioner: 

For the Respondent: Theresa Nadeau, Economic Self Sufficiency Specialist II

PRELIMINARY STATEMENT

A pre-hearing conference was held with the Department representative and the petitioner. Upon completion of the conference, the hearing convened.

Susan Dixon, hearing officer, observed the proceeding.

ISSUES

Whether the Respondent's denial of Petitioner's applications for Medicaid and Food Assistance was proper.

FINDINGS OF FACT

Based on the oral evidence presented at the final hearing and on the entire record of this proceeding, the following findings of fact are made:

1. On January 29, 2015 a Notice of Case Action was mailed to Petitioner explaining that Medicaid coverage would end effective February 28, 2015 because Medicaid eligibility had been approved in error.
2. On April 24, 2015 a Notice of Case Action (NOCA) was mailed to Petitioner informing her that the Division of Disability Determination (DDD) did not find her to meet disability requirements; therefore, Medicaid eligibility was denied.
3. No subsequent Medicaid related NOCA's exist.
4. Medicaid was subsequently reapplied for on December 28, 2015 which is still in a pending status and for which there is no NOCA to date.
5. On June 15, 2015 a Notice of Expiration of Certification Period (NECP) was mailed to Petitioner. Petitioner was thereby notified that her eligibility to receive benefits from the Food Assistance Program (FAP) would end effective July 31, 2015.
6. July 2015 was the last month that the Petitioner was eligible for and received FAP benefits to date.

7. The Petitioner agrees that her hearing requests on both issues were made in December 2015.
8. The request date of record for these appeal hearings is December 2, 2015.

CONCLUSIONS OF LAW

9. The Department of Children and Families, Office of Appeal Hearings has jurisdiction over the subject matter of this proceeding and the parties, pursuant to Fla. Stat § 409.285. This order is the final administrative decision of the Department of Children and Families under Fla. Stat. § 409.285.
10. This proceeding is a *de novo* proceeding pursuant to Fla. Admin. Code § 65-2.056.
11. Regarding hearing rights Fla. Admin. Code § 65-2.046 *Time Limits in Which to Request a Hearing* states, in part:
 - (1) The appellant or authorized representative must exercise the right to appeal within 90 calendar days in all programs. Additionally, in the Food Stamp Program, a household may request a fair hearing at any time within a certification period to dispute its current level of benefits. The time period begins with the date following:
 - (a) The date on the written notification of the decision on an application.
 - (b) The date on the written notification of reduction or termination of program benefits.
 - (c) The date of the Department's written notification of denial or a request or other action which aggrieves the petitioner when that denial or action is other than an application decision or a decision to reduce or terminate program benefits.
12. The Findings of Fact show petitioner failed to timely request a hearing in both the Food Assistance and Medicaid issues.

13. Petitioner has reapplied for assistance. Once the Department issues written notices, if petitioner is not satisfied with that action, she may request a hearing within 90 days from the date of the written notice.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, petitioner's appeal, due to the lack of jurisdiction, is dismissed.

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 12 day of January, 2016,

in Tallahassee, Florida.



Gregory Watson
Hearing Officer
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Email: Appeal.Hearings@myflfamilies.com

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