



**FILED**

Aug 08, 2023, 12:17 pm

OFFICE OF FAIR HEARINGS

**STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
OFFICE OF FAIR HEARINGS**

[REDACTED]

**PETITIONER,**

**AHCA Case No.: 23-FH1224**

**vs.**

**AGENCY FOR HEALTH CARE  
ADMINISTRATION,**

**RESPONDENT.**

\_\_\_\_\_ /

**FINAL ORDER**

At all times relevant to this proceeding, Petitioner received Medicaid benefits on a fee-for-service basis. On May 22, 2023, Petitioner requested a Fair Hearing based on Respondent's denial of personal care services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on June 5, 2023, the undersigned Hearing Officer convened a telephonic hearing on June 19, 2023, at 1:00 p.m. Petitioner's Authorized Representative was not in attendance. After a fifteen-minute grace period, the undersigned took a roll call on the record of the persons in attendance and went off the record at 1:16 p.m.

Rule 59G-1.100(9)(b)(5)(b), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a request for a Fair Hearing if the Recipient fails to appear at the scheduled Fair Hearing without good cause.

On June 20, 2023, the undersigned issued an Order to Show Cause (“Order”) why the instant case should not be dismissed for failure to appear at the scheduled Fair Hearing. The Order notified the Petitioner’s Authorized Representative that failure to show good cause on or before June 30, 2023, would result in dismissal of the case. On June 21, 2023, Petitioner sent an e-mail that stated as follows: “I apologize that I was not in town for the Fair hearing that was to take place on June 19, 2023. I have been out of town and will not be back until 6/26/2023”.


On July 6, 2023, the undersigned issued an Order Scheduling Preliminary Hearing by Telephone on Petitioner’s Response to Order to Show Cause and Prehearing Instructions, setting a preliminary hearing for July 28, 2023, at 9:00 a.m. on whether Petitioner could establish good cause for failure to appear at the Fair Hearing. Petitioner’s Authorized Representative did not appear at the Preliminary Hearing. Accordingly, Petitioner has not established good cause for failure to appear at scheduled Fair Hearing.

Based on the foregoing,

**IT IS THEREFORE ORDERED AND ADJUDGED THAT:**

Petitioner’s Fair Hearing request is hereby deemed abandoned, and this matter is now closed.

**DONE AND ORDERED** this 8th day of August, 2023 in Tallahassee, Leon County, Florida.

 Joseph Mabry  
23-FH1224  
2023.08.08 08:23:18  
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**JOSEPH MABRY, Hearing Officer**  
**Agency for Health Care Administration**  
**Office of Fair Hearings**  
**2727 Mahan Drive, Mail Stop # 11**

**NOTICE OF A RIGHT TO JUDICIAL REVIEW**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW, WHICH SHALL BE INSTITUTED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A COPY, ALONG WITH THE FILING FEE PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE RENDITION OF THE ORDER TO BE REVIEWED.

**COPIES FURNISHED TO:**

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████████████████████

**AHCA Medicaid Hearing Unit**  
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