



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

FILED

Aug 10, 2023, 11:30 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH1299

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 31, 2023, Petitioner requested a Fair Hearing based on Respondent's termination of PPEC services.

Pursuant to notice mailed to Petitioner's Authorized Representative's address of record on June 15, 2023, the undersigned Hearing Officer convened a telephonic hearing on July 6, 2023, at 9:00 a.m. At the July 6th hearing, Petitioner's Authorized Representative, [REDACTED], requested a continuance in order to submit evidence. Respondent stipulated to the continuance. Subsequently, the hearing was re-noticed by mail to sent to [REDACTED] address of record on July 11, 2023, with the rescheduled hearing date of July 28, 2023. On July 28, 2023, at 9:00 a.m., the undersigned Hearing Officer convened the telephonic hearing. 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 9:16 a.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 July 28, 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 August 7, 2023, would result in dismissal of the case. On August 1, 2023, The Office received an e-mail from the Petitioner’s Authorized Representative explaining [REDACTED] absence or requesting that the hearing be rescheduled, as follows: “I had a fair hearing that I unfortunately missed due to me dropping my phone in a puddle at work my phone was glitching and I had no way to call to join the meeting unfortunately I was home alone so I had no other phone to use the morning of July 31st the following Monday morning I had to go and get a new phone because mine was not working hardly at all.” The undersigned finds that [REDACTED] has not shown good cause, such as a disabling accident, illness, or declared emergency, for not appearing at the July 28, 2023 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 10th day of August, 2023 in Tallahassee, Leon County, Florida.



Debbie K. Winicki
23-FH1299
2023.08.10 10:30:29
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**DEBBIE WINICKI, Hearing Officer
Agency for Health Care Administration
Office of Fair Hearings
2727 Mahan Drive, Mail Stop # 11
Tallahassee, FL 32308-5407**

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:

[REDACTED]
[REDACTED]
[REDACTED]

**AHCA Medicaid Hearing Unit
MedicaidHearingUnit@ahca.myflorida.com**