

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



**FILED**

Mar 15, 2024, 2:05 pm

OFFICE OF FAIR HEARINGS

  
PETITIONER,

AHCA Case No.: 24-FH0063

vs.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

RESPONDENT.  

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**FINAL ORDER**

At all times relevant to this proceeding, Petitioner received Medicaid benefits on a fee-for-service basis. On January 3, 2024, Petitioner requested a Fair Hearing based on Respondent's Behavior Analysis services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on February 5, 2024, the undersigned Hearing Officer convened a telephonic hearing on February 28, 2024, at 1:00 p.m. EST. 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 1:17 p.m. EST.

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 March 4, 2024, 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 March 14, 2024, would result in dismissal of the case.


Rule 59G-1.00(2)(n) defines Good Cause as “[a]n incident or occurrence which is beyond the control of the movant and which prevents compliance.” Examples of good cause include a disabling accident, illness, or declared emergency; or similar circumstances beyond the Recipient’s control. See Fla. Admin. Rule 59G-1.100(14)(b). On March 4, 2024, Petitioner’s Authorized Representative sent an e-mail to the Office of Fair Hearings explaining that [REDACTED] had called for the Fair Hearing at 3:00 pm CST on February 28, 2024. The Fair Hearing was scheduled for February 28, 2024, at 1:00 p.m. EST as stated in the Order Scheduling Fair Hearing By Telephone. As such, Petitioner failed to show good cause for [REDACTED] failure to appear at the 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 15th day of March, 2024 in Tallahassee, Leon County, Florida.

  
George L. Winslow, Jr.  
24-FH0063  
2024.03.15 10:12:33  
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**GEORGE WINSLOW, 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:**

[REDACTED]  
[REDACTED]

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