



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

**FILED**

Jul 23, 2024, 12:40 pm

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH1566

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 10, 2024, Petitioner requested a Fair Hearing based on Respondent's termination of prescribed pediatric extended care services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on May 28, 2024, the undersigned Hearing Officer convened a telephonic hearing on July 2, 2024, 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 July 3, 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 July 15, 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 other similar circumstances beyond the Recipient’s control. *See* Fla. Admin. Rule 59G-1.100(14)(b). The record shows that the Order Consolidating & Scheduling Fair Hearing by Telephone and Prehearing Instructions (“Scheduling Order”), was issued to the e-mail address identified on the Designation of Authorized Representative. On July 3, 2024, Petitioner’s Authorized Representative sent a response to the Order explaining that [REDACTED] “was not aware that the [REDACTED] of [Petitioner] selected [REDACTED] personal email as the contact source for the case’s communication” and that “No one knew that the Fair Hearing was yesterday.” Here, the response does not show an incident or occurrence beyond the control of the movant. Accordingly, Petitioner has failed to show good cause for the 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 23rd day of July, 2024 in Tallahassee, Leon County, Florida.



Joseph Mabry  
24-FH1566  
2024.07.23  
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**JOSEPH MABRY, 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:**

  


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