

Final Order No. OGC/2000/01-0060 Date: 10/12/01
FILED
Agency for Workforce Innovation
AGENCY CLERK
Veronica Moss, Agency Clerk
By: *Veronica Moss*

BEFORE THE AGENCY FOR WORKFORCE INNOVATION
OF THE DEPARTMENT OF MANAGEMENT SERVICES

In re: Request for a Declaratory
Statement Resolving Questions
about the Appeal Procedures that
Apply to the Denial of Mike Caro's
Request for Training

AWI Case No.: 2000/01-0001

**FINAL AGENCY ORDER GRANTING PETITIONER'S MOTION TO
WITHDRAW PETITION FOR DECLARATORY STATEMENT**

This matter was originally brought before the Agency for Workforce Innovation, by the filing of a Petition for Declaratory Statement, as authorized in section 120.565, Florida Statutes. The Agency for Workforce Innovation has jurisdiction of the subject matter and parties, pursuant to Sections 20.50 and 120.565, Florida Statutes.

In response to the Petitioner's Motion to Withdraw the Petition for Declaratory Statement, the undersigned issues the following order.

Findings of Fact

1. On or about January 3, 2001, the Agency for Workforce Innovation (AWI) received a Petition for Declaratory Statement, filed by the Petitioner Mike Caro, pursuant to section 120.565.

2. The purpose of the Petition was to seek the opinion of AWI regarding the availability of administrative and judicial appeal procedures to contest a decision by the Broward Employment and Training Administration (BETA), now know as Workforce One, denying training as a work activity under the Temporary Assistance for Needy Families (TANF) program.

3. Though not directly involved in the dispute between Petitioner and BETA, the Petition for Declaratory Statement was served on the Workforce Florida, Inc., and on the Agency for Workforce Innovation (AWI), as the entities responsible for the implementation of the TANF work and training activities, pursuant to chapter 445, Florida Statutes.

4. During the period the Petitioner and BETA (the parties) were negotiating a settlement, pursuant to Petitioner's motions, the Petition for Declaratory Statement was held in abeyance.

5. On February 16, 2001, the parties signed a "Joint Stipulation and Order Incorporating the Joint Stipulation" (the Stipulation) filed in Caro v. BETA, Case No. 1134214093.

6. Under the terms of the Stipulation, BETA agreed to provide to the Petitioner the training and support services necessary to allow the Petitioner to attend PC Professor in Boca Raton, Florida, for the purpose of obtaining an ITA/RITA for certification in the A+/MCSE. The parties also agreed that BETA would issue and implement a grievance procedure. That Stipulation is attached and is incorporated herein by reference.

7. Based upon Petitioner's motion filed subsequently to the Stipulation, AWI continued to hold the Petition for Declaratory Statement in abeyance, pending full

implementation of the Stipulation. Namely, the issuance and implementation of the grievance procedure.

8. By motion dated October 10, 2001, Petitioner advised AWI that, pursuant to the Stipulation, BETA has now disseminated its grievance procedures and is implementing it. Therefore, in conformance with the Stipulation, Petitioner moved to withdraw his Petition for Declaratory Statement.

Conclusions of Law

9. An unopposed voluntary dismissal may be taken at any time. See Ramos, et al. v. Philip Morris Companies, Inc., et al., 714 So. 2d 1146 (Fla. 3d DCA 1990).

10. This motion to withdraw is an unopposed motion for voluntary dismissal, and therefore, the Petition may be withdrawn at anytime.

ORDER

NOW, THEREFORE, the undersigned grants the Petitioner's motion to withdraw his Petition for Declaratory Statement, and the same is HEREBY DISMISSED.



Tom McGurk, Director
Agency for Workforce Innovation

RIGHT OF APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY PETITIONER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULE 9.110, FLORIDA RULES OF APPELLATE PROCEDURE BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPEAL ACCOMPANIED WITH THE APPROPRIATE FILING FEE AND WITH VERONICA MOSS, AGENCY CLERK FOR THE AGENCY FOR WORKFORCE INNOVATION, WITHIN THIRTY (30) DAYS OF THE RENDITION OF THIS FINAL ORDER.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent via US Mail this 12th day of October 2001 to:

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