

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

BETTYE BYRD,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D11-6084

AGENCY FOR PERSONS WITH
DISABILITIES,

Appellee.

_____ /

Opinion filed May 18, 2012.

An appeal from an order of the Agency for Persons with Disabilities.

Sarah R. Sullivan, Florida Coastal School of Law Disability & Public Benefits
Clinic, Jacksonville, for Appellant.

Jonathan Grabb, Senior Attorney, Agency for Persons with Disabilities,
Tallahassee, for Appellee.

PER CURIAM.

Finding no error in the determination that Appellant, Bettye Byrd, was properly assigned to Tier Three of the Medicaid Developmental Disabilities Home and Community Based Services Waiver Program, we affirm the final order of the

Agency for Persons with Disabilities. Because it is undisputed that Appellant did not satisfy any of the criteria set forth in section 393.0661(3)(b), Florida Statutes, and Florida Administrative Code Rule 65G-4.0028, we reject her argument that the Agency erred in not assigning her to Tier Two.

AFFIRMED.

DAVIS, WETHERELL, and SWANSON, JJ., CONCUR.