

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2013

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

LILLIAN GOMEZ,

Appellant,

v.

Case No. 5D12-4669

OSCEOLA COUNTY SCHOOL BOARD,

Appellee.

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Opinion filed November 22, 2013

Administrative Appeal from the  
School Board of Osceola County, Florida.

Thomas F. Egan of Thomas F. Egan,  
P.A., Orlando, for Appellant.

Usher L. Brown and Erin J. O'Leary of  
Brown, Garganese, Weiss & DAgresta,  
P.A., Orlando, for Appellee.

PER CURIAM.

Appellant challenges final agency action of the Osceola County School Board ("School Board") terminating her employment after determining that her effectiveness as a teacher in the Osceola County School District was seriously impaired. We conclude that the School Board improperly rejected the administrative law judge's finding regarding loss of effectiveness and that Appellant's conduct was not so egregious such that loss of effectiveness could be decided as a matter of law. Accordingly, we reverse the final order of the School Board and remand this cause for entry of an order

consistent with the administrative law judge's recommended order. See *Abrams v. Seminole Cnty. Sch. Bd.*, 73 So. 3d 285, 294 (Fla. 5th DCA 2011).

REVERSED AND REMANDED.

TORPY, C.J., SAWAYA and COHEN, JJ., concur.