

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS
MELBOURNE DISTRICT OFFICE

Patricio Santoyo,)	
)	
Employee/Claimant,)	
)	
vs.)	OJCC Case No. 08-012960PTT
)	
The Hill Group, Inc.,)	Accident date: 11/13/2007
)	
Employer,)	Judge: Paul T. Terlizzese
)	
and)	
)	
FFVA Claims,)	
)	
Carrier/Servicing Agent.)	
_____)	

**ORDER ON EMPLOYER/CARRIER'S EVIDENTIARY MOTION TO ENFORCE
SETTLEMENT AGREEMENT**

THIS CAUSE came to be heard on the Employer/Carrier's Evidentiary Motion, served on March 3, 2011, filed on March 3, 2011, noticed for an Evidentiary Hearing on March 4, 2011, with the Evidentiary Hearing held and concluded on April 19, 2011. Present on behalf of the Claimant was Attorney Maria Riddle. Present on behalf of the Employer/Carrier was Attorney Anthony Amelio. No responses to the Motion were received.

The following items were admitted in to evidence, or marked for identification and argument purposes, as noted on the record:

Judge of Compensation Claims Exhibits:

1. Notice of Evidentiary Final Hearing, served on March 4, 2011.

Joint Exhibits:

None

Claimant's Exhibits:

None

Employer/Carrier's Exhibits:

1. Employer/Carrier's Motion to Enforce, with attachments, filed March 3, 2011.
2. Claimant's Notice of Cancellation, filed December 14, 2010.
3. Order Approving Cancellation of the February 8, 2011 Mediation, and the April 8, 2011 Final Hearing.

The live witnesses included:

No live testimony was presented. The Claimant failed to appear. A full one hour delay was held, after the scheduled 2:00 p.m. hearing time, to allow for the Claimant's attendance. No communications were received, from the Claimant, to the Office of the Judges of Compensation Claims or either Counsel.

After each party rested their case in chief, and concluded all closing arguments, the record was closed.

The undersigned Judge of Compensation Claims having reviewed all evidence, pleadings, stipulations, the Division file and relevant law including applicable sections of Chapter 440, Florida Statutes, and Chapter 60Q of the Florida Administrative Code, and being otherwise fully advised of the premises, it is hereby

ORDERED AND ADJUDGED as follows:

The Employer/Carrier's Motion is hereby granted. The evidence establishes that on or about December 3, 2010, the parties reached a full, final and binding settlement agreement to

close the Claimant's Workers' Compensation claim. The terms called for a settlement of \$2,500.00, inclusive of a guideline attorney fee, and costs of \$250.00. The evidence established no conditions precedent, subsequent, or contingencies. Counsel for the Claimant acted with recognized agency and authority. No fraud, duress or overreaching was asserted. The offer and acceptance were supported by valuable consideration, and no right of refusal or voidable terms were negotiated or memorialized.

It is noted, that in response to the November 30, 2010 Petition for Benefits, the Employer/Carrier timely and specifically raised the Statute of Limitations defense, in their response to Petition for Benefits. The Claimant, by and through Counsel, filed a clear and unequivocal Notice of Cancellation/Settlement. The Mandatory State Mediation and Final Hearing were cancelled in reliance on the representations of Counsel. The confirmation correspondence and/or e-mails between Counsel establish the intent of the parties.

The Claimant is hereby compelled to execute and return the statutorily required documents to the Employer/Carrier's Counsel within 21 days of this Order. The documents were provided to Counsel for the Claimant on December 6, 2010. Should the Claimant fail to comply with this Order, the Employer/Carrier is granted leave to seek approval of a Joint Stipulation for Approval of Attorney's Fees and Child Support, with all required supporting documentation, with excusal of the requirement for the Claimant's signature.

DONE AND ELECTRONICALLY MAILED to Counsel and served via U.S. mail to parties listed below this 21st day of April, 2011, in Melbourne, Brevard County, Florida.



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