

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS  
PORT ST. LUCIE DISTRICT OFFICE

Reinaldo Olivencia,  
Employee/Claimant,

OJCC Case No. 14-004331RDM

vs.

Accident date: 9/24/2013

Florida Keys Wild Bird Center/Castlepoint  
Florida,  
Employer/Carrier/Service Agent.

Judge: Robert D. McAliley

ORDER TAXING COSTS

AN EVIDENTIARY HEARING was conducted pursuant to the employer/carrier's (E/C) verified motion to tax costs filed March 23, 2015. Claimant did not file a response. Under the circumstances of this case, I accept the allegations in the verified motion as true. *Fla. Admin. Code R. 60 Q – 6.124 (3) (b)*.

Several petitions for benefits (PFB) were filed in this case. The initial PFB was dismissed without prejudice for claimant's failure to attend pretrial hearing. A second PFB was resolved by the equivalent of a voluntary dismissal acknowledged as such by an order entered April 7th, 2015. Accordingly, E/C is the prevailing party in this litigation and as such entitled to recoup its costs expended. See, *Palm Beach County Sch. Dist. v. Ferrer*, 990 So.2d 13, 15 (Fla. 1<sup>st</sup> DCA 2008).

E/C incurred \$2,307.55 in costs which, irrespective of and in addition to the initial paragraph of this order, appear reasonable on their face.

WHEREFORE, it is

ORDERED AND ADJUDGED that the employer/carrier may recover from claimant the

sum of \$2,307.55 for costs expended in this litigation.

DONE AND ORDERED this 17th day of June, 2015, in Port St. Lucie, St. Lucie County, Florida.



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Robert D. McAiley  
Judge of Compensation Claims  
Division of Administrative Hearings  
Office of the Judges of Compensation Claims  
Port St. Lucie District Office  
WestPark Professional Center, 544 NW University Blvd., Suite  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that a true and correct copy of the foregoing has been e-mailed to Counsel on June 17th, 2015.



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Secretary to Judge of Compensation Claims

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