

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
WEST PALM BEACH DISTRICT OFFICE

EMPLOYEE:
Leonel Escobar
730 South F Street, Apt. # 4
Lake Worth, FL 33460

ATTORNEY FOR EMPLOYEE:
Pro Se

EMPLOYER:
FrankCrum
100 South Missouri Avenue
Clearwater, FL 33756

ATTORNEY FOR
EMPLOYER/CARRIER/SERVICING
AGENT:
Paul L. Luger, Esquire
Hurley, Rogner, Miller, Cox, Waranch &
Westcott, PA.
603 North Indian River Drive, Suite 102
Fort Pierce, FL 34950

CARRIER/SERVICING AGENT:
Frank Winston Crum Insurance, Inc.,
Serviced by: Broadspire
Post Office Box 30539
Tampa, FL 33630-3539

OJCC NO.: 08-013423TMB
D/A: 11/15/2007

ORDER ON MERITS

A Merit Hearing was conducted in this matter on June 18, 2009, in West Palm Beach, Palm Beach County, Florida. The parties entered into stipulations and framed the issues as follows:

- A. The Judge of Compensation Claims has jurisdiction over the parties and the subject matter.
- B. Pursuant to a pretrial stipulation and order entered prior to the hearing the claims for determination were as follows:
 - 1. Authorization of a primary care physician.
 - 2. Temporary partial/temporary total disability benefits from November 15, 2007, and continuing.
 - 3. An adjustment to the average weekly wage to at least \$520.00.

4. Compensability.
 5. Authorization of an interpreter.
 6. Penalties, interest, costs and attorney fees.
- C. The Employer/Carrier defended as follows:
1. Denial of all benefits based on no accident in course and scope of employment.
 2. No timely notice.
 3. No evidence of disability.
 4. The Claimant voluntarily limited his income.
 5. The Claimant had post date of accident earnings.
 6. The Claimant was terminated for cause.
 7. The accident, if any, is not the major contributing cause of any disability or need for treatment.
- D. The undersigned entered the following documentary matters into evidence:
- Exhibit #1. Uniform Pre-trial Stipulation.
- Exhibit #2. Order Dismissing all Claims without Prejudice.
- Exhibit #3. Order on Motion to Withdraw.
- Exhibit #4. Notice of Final Hearing.
- Exhibit # 5. The Notice of Hearing and copy of certified mail to Claimant.

After reviewing the evidence presented, and after having resolved any and all conflicts therein, the undersigned makes the following findings of fact and conclusions of law:

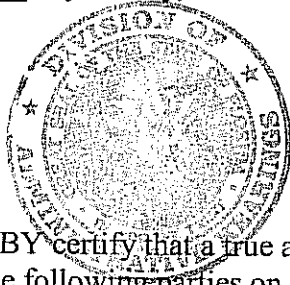
1. The Judge of Compensation Claims has jurisdiction of the parties and subject matter of the claim.
2. The stipulations of the parties are approved and adopted by the undersigned.
3. I find that the Claimant failed to appear for the properly noticed trial. Based on the Claimant's failure to appear, I find that the Claimant failed to meet his burden of establishing a *prima facie* case for benefits requested. Based on Claimant's failure to

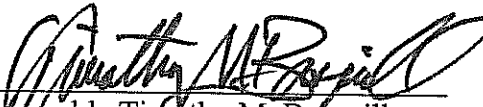
meet his burden of proof for the benefits requested, I deny all benefits requested, with prejudice.

WHEREFORE it is ORDERED AND ADJUDGED that:

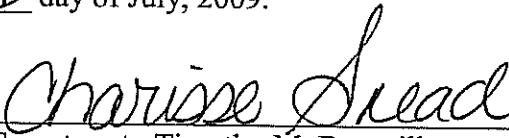
All pending claims and petitions for benefits are denied and dismissed with prejudice.

DONE AND ORDERED, in Chambers, in West Palm Beach, Palm Beach County, Florida, this 6 day of July, 2009.




Honorable Timothy M. Basquill
Judge of Compensation Claims

I HEREBY certify that a true and correct copy of the foregoing has been sent via email or US mail to the following parties on this 6 day of July, 2009.


Secretary to Timothy M. Basquill

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