

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
Tampa District**

EMPLOYEE:

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EMPLOYER:

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EMPLOYER/CARRIER:**

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CARRIER:

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Florida Preferred Administrators
P.O. Box 50608
Sarasota, FL 34232

OJCC CASE NO.: 06-022730DEJ

D/A: 9/15/2005

ORDER ON MOTION FOR SUMMARY FINAL ORDER

THIS CAUSE was submitted on the Employer/Carrier's Motion for Summary Final Order.

Upon consideration of said Motion, the undersigned Judge of Compensation Claims finds the facts to be as stated in said Motion:

1. The Claimant filed a Petition for Benefits on December 27, 2012, seeking authorization/set-up appointment for an MRI of the right shoulder, pursuant to the recommendations of Dr. Aird
2. This Court previously entered a Final Compensation Order which was not appealed on January 30, 2009.

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3. Therein, in paragraph (21), this Court found that Claimant has reached MMI, and that no further treatment was necessary for the Claimant's shoulder conditions.
4. Therefore, this issue is *res judicata* and cannot be re-litigated.
5. Pursuant to Rule 60Q-6.120(1), the judge may enter a summary final order when such an order would be dispositive of the issues raised by the subject petition. Issues that would be dispositive include, but are not limited to, whether the claim is barred by *res judicata*.
6. Pursuant to Rule 60Q-6.120(2), any party may file a motion for summary final order when there is no genuine issue as to any material fact exists and that moving party is entitled as a matter of law to the entry of a final order.
7. The mere fact that Dr. Aird has recently recommended that Claimant undergo an MRI of his right shoulder does not negate the validity of the undersigned's findings relative to Claimant need for further treatment due to his industrial accident. Accordingly, it is

Ordered and adjudged that the Motion for Summary Final Order be, and same is hereby, granted.

Done and ordered in Tampa, Hillsborough County, Florida this 27th day of February, 2013.

Judge of Compensation Claims