

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS  
FT. LAUDERDALE DISTRICT OFFICE

Levon Lopez,  
Employee/Claimant,

OJCC Case No. 14-018002GBH

vs.

Accident date: 7/14/2014

J.A. Croson, LLC/Amerisure Insurance,  
Employer/Carrier/Servicing Agent.

Judge: Geraldine B. Hogan

ORDER DENYING MOTION FOR ADVANCE

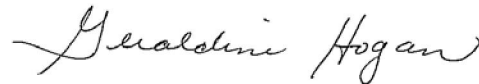
This matter came before the undersigned Judge of Compensation Claims on August 31, 2016 on a Motion for Advance filed by the Claimant on August 10, 2016.

1. According to the Motion, Claimant requested a \$2,000.00 Advance pursuant to sec. 440.20(12)(c), (d). The Claimant sustained injuries in the course and scope of employment and is not receiving any indemnity benefits.
2. E/C filed an Objection to Claimant's Motion for Advance on August 24, 2016 requesting an evidentiary hearing as to the Claimant's Motion. The pleading did not provide any reason for the denial.
3. It was undisputed that the Claimant had a compensable work related injury and has an actual or apparent impairment.
4. Sec. 440.20(12)(c) (2) Fla. Stat. (2009) states in part that in the event the claimant has not returned to the same or equivalent employment with no substantial reduction in wages, or has suffered a substantial loss of earning capacity, or a physical impairment, actual or apparent: an advance payment of compensation not in excess of \$2,000 may be ordered by any judge of compensation claims after giving the interested parties an opportunity for a hearing and after giving due consideration to the interests of the person entitled thereto.
5. Sec. 440.20(12) (d) provides, in part, that when an application for an advance payment in excess of \$2,000 is opposed by the employer or carrier, it shall be heard by a judge of compensation claims. If the judge of compensation claims finds that such advance payment is for the best interests of the person entitled to compensation, will not materially prejudice the rights of the employer and carrier, and is reasonable under the circumstances of the case, she or he may order the same paid.

6. E/C objected to the payment of the advance because the carrier previous paid the Claimant a \$2,000.00 advance in April of 2016 and the carrier has not recouped any portion of the advance previously provided.
7. Claimant testified that he received the \$2,000.00 advance in April of 2016 and the prior advance was not repaid.
8. At the conclusion of the August 31, 2016 hearing, Claimant's Counsel requested two days to provide the JCC with case law in support of his assertion that prejudice to the E/C is not a factor for the JCC to consider in the awarding an additional \$2,000.00 advance, when the E/C has not yet recouped the payment of a prior \$2,000.00 advance.
9. Although the hearing concluded on August 31, 2016, Claimant's counsel was allowed until September 2, 2016 to provide case law in support of his argument that prejudice to the employer was not a factor for the JCC to consider in this case.
10. In lieu of filing case law in support of his argument, Claimant's counsel filed a Notice of Withdrawal of the Motion for Advance.

WHEREFORE, it is ORDERED that Claimant's Motion for an Advance is DENIED as moot.

DONE and ORDERED this 9<sup>th</sup> day of September, 2016 in Lauderdale Lakes, Broward County, FL.



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Geraldine B. Hogan  
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## Appendix

### Claimant's Exhibits

1. Claimant's Motion for An Advance of Compensation Benefits
2. Medical Report of Clive C. Woods, MD

### E/C's Exhibits

1. Notice of Resolution filed on April 26, 2016
2. Employer/Carrier's Objection to Claimant's Motion for Advance

Live Testimony: Levon Lopez