

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

Monte Parker,  
Employee/Claimant,

OJCC Case No. 07-007870LAR

vs.

Accident date: 2/5/2007

PR Employer, Inc. d/b/a ABC Fence/Tower  
Group Companies,  
Employer/Carrier/Servicing Agent.

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ABBREVIATED FINAL ORDER

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Upon proper notice, a merits hearing was held before the undersigned Judge of Compensation Claims on September 12, 2013. Present and representing the Claimant was Attorney Eric Sventek. Present and representing the Employer/Carrier was Attorney Matthew Bennett. The claims sought herein flow from a Petition for Benefits filed on March 28, 2013.<sup>1</sup> Mediation occurred on June 17, 2013 and resulted in an impasse. The parties stipulated that 104 weeks of temporary benefits have been paid to the Claimant and the average weekly wage is \$658.31 with a corresponding compensation rate of \$438.89, pursuant to an Order approving stipulation entered on October 9, 2008. As there is no dispute as to compensability, this abbreviated final order is entered pursuant to Section 440.25(4)(d), Florida Statutes (Supp. 2002).

**I. Claims and Defenses:**

**Claimant sought the following benefits:**

1. Temporary total disability and/or temporary partial disability from October 29, 2009 to the present and continuing.
2. Penalties, interest Costs and Attorney Fees.

**The Employer/Carrier defended on the following grounds:**

1. No TTD/TPD benefits due as Claimant has exhausted 104 weeks of entitlement.
2. No PICA due or owing.
3. Employer/Carrier seeks costs.

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<sup>1</sup> A Petition for Benefits filed on September 11, 2013 pending at the time of trial will proceed separately and apart.

## II. Documentary Evidence.

### Court Exhibit, for argument purposes:

1. Petition for Benefits Filed March 28, 2013.<sup>2</sup>
2. Pretrial.
3. Trial Summaries of the Parties for Argument Purposes Only.

### Claimant Exhibits:

1. Deposition of Dr. Franco Vigna (Dated September 5, 2013 and Filed September 10, 2013).
2. Composite of Medical Records (Filed August 7, 2013).

### Witnesses at trial:

1. Claimant.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. In making my findings of fact and conclusions of law, I have considered and weighed all the evidence presented to me. I have observed and assessed the candor and demeanor of the witnesses that testified in person before me, and I have resolved all of the conflicts in the testimony. Although I may not reference or detail each item of evidence presented by the parties, I have carefully considered all the evidence and exhibits in the context of the arguments of counsel and appropriate statutory authority and case law in making the following findings of fact and conclusions of law:

1. The undersigned Judge of Compensation Claims has jurisdiction of the parties and the subject matter of this claim.
2. The stipulations entered into by and between the parties as noted herein or in the pretrial stipulation(s) filed herein or announced on the record and noted herein are hereby approved and adopted as findings of fact and are incorporated herein by reference.
3. There is no dispute as to the compensability of the accident or injuries.
4. The Claimant's claim for the temporary benefits he seeks is denied and dismissed as there is no statutory basis upon which to award such benefits.

DONE AND ORDERED in Panama City, Bay County, Florida.



*Laura Roesch*

Laura Roesch

<sup>2</sup> The Petition for Benefits in this matter was filed herein on March 28, 2013. The mediation was held on June 17, 2013, 81 days from the filing of the Petition for Benefits and the final hearing was held 168 days from the filing of the Petition for Benefits.

Judge of Compensation Claims  
Division of Administrative Hearings  
Office of the Judges of Compensation Claims  
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THIS IS TO CERTIFY that the foregoing order has been entered herein and electronically served to counsel for the parties this 1st of October 2013.

/s/ L. Hickman  
Commission Deputy Clerk II

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