

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

EMPLOYEE:

Rosa Villamil
23012 Dollis Avenue
Labelle, FL 33935

ATTORNEY FOR EMPLOYEE:

Unrepresented

EMPLOYER:

02HR, LLC
5050 West Lemon Street
Tampa, FL 33609

ATTORNEY FOR

**EMPLOYER/CARRIER/SERVICING
AGENT:**

Paul L. Westcott, Esquire
Hurley, Rogner, Miller, Cox, Waranch &
Westcott, P.A.
603 North Indian River Drive, Suite 102
Fort Pierce, FL 34950

CARRIER/SERVICING AGENT:

Providence Property & Casualty Insurance
Company
PO Box 2009
Frisco, TX 75034

OJCC NO.: 09-002581SHP

D/A: 12/29/2008

ORDER ON THE MERITS

THIS MATTER came on to be heard before the undersigned Judge of Compensation Claims on August 24, 2009. The undersigned, having given full consideration to the matter, finds as follows:

1. The Merit Hearing on the above-referenced matter was scheduled for August 24, 2009 at 2:00 p.m. at the office of the undersigned. Notice was given to the claimant at her address of residence as well as her prior counsel, Victor M. Arias, Esquire. Said notice was furnished by U.S. Mail on April 23, 2009.
2. The Notice of Hearing identified all Petitions for Benefits presently pending as the

subject for the hearing. As of the date of the August 24, 2009 Merit Hearing, a Petition for Benefits remained pending. The DOAH filing date is indicated as January 23, 2009.

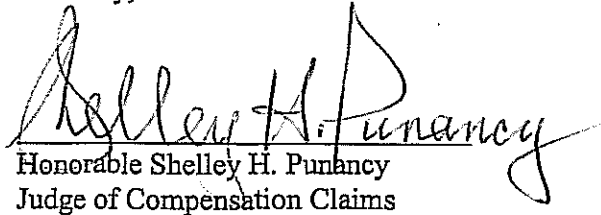
3. A Pretrial Stipulation was prepared by the claimant's prior counsel, Victor M. Arias, Esquire. The Pretrial Stipulation identified past due indemnity benefits, and medical expenses as well as penalties, interest, costs, and attorney's fees as issues to be determined. The employer/carrier indicated that the entire claim had been denied asserting that the claimant was not an employee of 02HR, LLC at the time of the alleged December 29, 2008 accident. Further, the employer/carrier asserted that no penalties, interest, costs, or attorney's fees were due and owing.

4. The claimant was previously represented by Victor M. Arias, Esquire. Mr. Arias filed a Motion to Withdraw as Counsel on May 7, 2009. The undersigned entered an Order granting the Motion on May 12, 2009 and did not receive any objections to either the Motion or the Order.

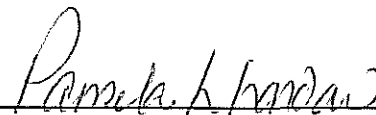
5. At the designated date and time for the Merit Hearing, the claimant failed to appear. The undersigned opened the record in order to consider the matter. As the claimant was not present and failed to submit any evidence in support of her position, the undersigned hereby enters an Order dismissing the Petition for Benefits with Prejudice. In so finding, I find that the claimant failed to offer any evidence indicating that she was an employee of 02HR, LLC.

Accordingly, the January 23, 2009 Petition for Benefits is hereby dismissed with prejudice.

DONE and ORDERED in Palm Beach County, Florida.


Honorable Shelley H. Punancy
Judge of Compensation Claims

THIS IS TO CERTIFY that the foregoing Order was entered on the 28 day of August, 2009, and that a copy thereof was sent by regular U.S. Mail to ~~all parties noted~~ *Claimant + Emailed to counsel* previously at their last known address.


Secretary to Judge of Compensation Claims