

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS  
DAYTONA BEACH DISTRICT OFFICE

Richard Higgs,  
Employee/Claimant,

OJCC Case No. 14-011760WWA

vs.

Accident date: 3/4/2014

WFF Facility Services - Bethune Cookman  
University/Gallagher Bassett Services, Inc.,  
Employer/Carrier/Service Agent.

Judge: Wilbur W. Anderson

**FINAL EVIDENTIARY ORDER**

Claimant filed a motion for a \$2,000 advance on August 4, 2014. The Employer/Carrier filed an objection to the motion on August 11, 2014. I held an evidentiary hearing on the motion on August 27, 2014. Attorney Keith C. Warnock appeared for Claimant. Attorney Rex A. Hurley appeared for the Employer/Carrier.

Claimant testified in person. I also considered eight pages of medical records from PrimeCare Urgent Care Center (Claimant's Exhibit 1), and Claimant's July 23, 2014, deposition testimony (Employer/Carrier's Exhibit 1).

I have made the two-step inquiry required by section 440.20(12)(c)2., Florida Statutes (2013). See ESIS/ACE American Ins. Co. v. Kuhn, 104 So. 3d 1111, 1113 (Fla. 1st DCA 2012); Taylor v. Air Canada, 136 So. 3d 786, 787 (Fla. 1st DCA 2014).

Claimant meets step one because was terminated from his employment some time after the alleged industrial accident and has not returned to the same or equivalent employment with no substantial reduction in wages.

Step two first requires me to determine whether Claimant is a “proper claimant.” I find he is because he currently has two pending petitions for benefits seeking workers’ compensation benefits.

Step two then requires me to determine whether Claimant has provided adequate justification for his request. He has not.

Claimant’s testimony concerning his financial status and how he would use the advance was vague and contradictory. I do not find it credible. Apart from this testimony, no other evidence was adduced to prove Claimant’s current financial status or to demonstrate how the advance would be used. Consequently, I conclude Claimant has failed to show a need for the advance with a plausible nexus to medical and related financial needs arising from workplace injuries.

The findings and conclusions in this order are only for adjudicating the motion for advance and are not binding in proceedings on the pending petitions for benefits.

The motion is DENIED.

DONE AND ELECTRONICALLY TRANSMITTED VIA EMAIL TO THE ATTORNEYS AND CARRIER LISTED BELOW this 29<sup>th</sup> day of August, 2014, in Daytona Beach, Volusia County, Florida.



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Wilbur W. Anderson  
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