

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

Sara DeOliveira,)	
)	
Employee/Claimant,)	
)	
vs.)	OJCC Case No. 09-005994MAD
)	
Progressive Employer Services,)	Accident date: 2/17/2009
)	
Employer,)	
)	
and)	
)	
United Self Insured Services,)	
)	
Carrier/Servicing Agent.)	
_____)	

FINAL COMPENSATION ORDER

AFTER PROPER NOTICE TO ALL PARTIES, a Final Merits Hearing was held on October 7, 2009. Present for the hearing were: Robert Gluckman, Counsel for the Employer/Carrier. The Claimant failed to appear for the hearing. The Claimant's counsel, Bruce Glotzer, Esq., was granted leave to withdraw on September 22, 2009.

The claims raised in a Petition for Benefits filed with DOAH on March 13, 2009 were as follows:

1. Authorization of a treating physician;
2. Attorney's fees and costs;

The Employer/Carrier raised defenses to the above claims as follows:

1. No accident arising out of the course and scope of employment;

2. The major contributing cause of the Claimant's injury is not her employment at Progressive.

3. No attorney's fees or costs are due and owing.

The parties executed a pretrial stipulation which was approved on August 20, 2009. The stipulations between the parties as set forth within the original pretrial stipulation were accepted.

The following documentary evidence was marked into evidence for the parties: NONE.

Based upon the foregoing and being otherwise fully advised in the premises herein, I hereby make the following findings of fact and conclusions of law:

1. The undersigned Judge of Compensation Claims has jurisdiction of the parties and subject matter of the claim.

2. The stipulations of the parties are approved and adopted by the undersigned.

3. The Claimant failed to meet her burden of proof pursuant to F.S. 440.09(1) that she suffered an accidental compensable injury arising out of work performed in the course and scope of employment.

WHEREFORE, it is

ORDERED AND ADJUDGED that:

1. The Petition for Benefits dated March 10, 2009 and filed with DOAH on March 13, 2009 is hereby denied and dismissed with prejudice.

2. The Employer/Carrier is found to be the prevailing party pursuant to F.S. 440.34(3) and is awarded the reasonable costs of the proceedings.

DONE AND ORDERED this 7th day of October, 2009, in West Palm Beach, Palm Beach

County, Florida.



Mary A. D'Ambrosio
Judge of Compensation Claims
Division of Administrative Hearings
Office of the Judges of Compensation Claims
West Palm Beach District Office
5405 Okeechobee Boulevard, Suite 200
West Palm Beach, Florida 33417-4552
(561)640-2827
www.jcc.state.fl.us

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Compensation Order was emailed to counsel for the Employer/Carrier and mailed to the parties this 7 day of October, 2009.



Secretary to Judge of Compensation Claims

Sara DeOliveira
10374 Boca Entrada Blvd, Apt #226
Boca Raton, Florida 33428

Progressive Employer Services
6407 Parkland Drive
Sarasota, Florida 34243

United Self Insured Services
Post Office Box 616648
Orlando, Florida 32861

Robert S. Gluckman, Esquire
zzevallos@hrmcwbroward.com