

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

Sheba T. Davis,)	
Employee/Claimant,)	
)	
vs.)	
)	OJCC Case No. 04-003234JJL
Gainesville Healthcare Center,)	
Staffing Concepts, Inc./CSC Claims)	Accident date: 11/4/2003
Company, and Providence Property)	
and Casualty Insurance,)	Judge John J. Lazzara
Employer/Carrier/Servicing)	
Agent.)	

SUMMARY FINAL ORDER IN FAVOR OF GAINESVILLE COUNSEL ON AGING, INC. D/B/A
GAINESVILLE HEALTHCARE CENTER (GHCC)

THIS MATTER came for hearing before the undersigned Judge of Compensation Claims on February 1, 2010 pursuant to a Motion for Summary Final Order filed by Gainesville Counsel on Aging, Inc. d/b/a Gainesville Healthcare Center (GHCC) on or about February 19, 2008. After reviewing the merits of said motion and the attachments thereto filed pursuant to Rule 60Q-6.120, Fla. Admin. Code, the employee's objection thereto, and after hearing argument of counsel and being otherwise fully advised in the premises, the undersigned judge finds as follows:

1. That GHCC did not employ the employee/claimant, Sheba Davis, on November 4, 2003;

2. That the employer, Staff Concepts, Inc., and their carrier, Providence Property and Casualty Insurance Company, have previously acknowledged that Sheba T. Davis was their employee on November 4, 2003 and have accepted the compensability of the captioned dated work accident;

3. I find that the attachments to the aforesaid motion clearly reflect that GHCC did not employ Sheba Davis on November 4, 2003;

4. That the employee, Sheba Davis, did file an unverified response to the motion on or about March 14, 2008, nevertheless said response does not defeat nor raise any material or credible factual issue that Ms. Davis was not an employee of GHCC at the time of this accident. Moreover, at the motion hearing the employee, Sheba T. Davis, requested and was granted an additional 10 days from the date of the hearing within which to file other responses to the motion but she failed to do so. It is therefore

ORDERED that:

1. The aforesaid motion for summary final order is hereby **GRANTED** since there is no genuine issue as any material fact that Sheba T. Davis was not an employee of Gainesville Counsel on Aging, Inc. d/b/a Gainesville Healthcare Center (GHCC) on November 4, 2003 and, therefore, the moving party

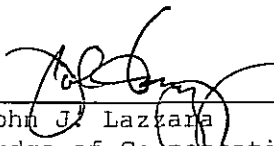
is entitled to this summary final order in it's favor as a matter of law and is hereby dropped as a party to this action;

2. That any and all pending Petitions for Benefits filed by the employee, Sheba T. Davis against Gainesville Counsel on Aging, Inc. d/b/a Gainesville Healthcare Center are hereby **DENIED** and **DISMISSED WITH PREJUDICE**; and

3. The request of GHCC for sanctions is hereby **DENIED**; with the exception that GHCC may as the prevailing party, at its option, file a Motion for Taxation of Costs pursuant to section 440.34(3), Fla. Stat. (2003), which motion shall be considered at a later time.

DONE AND ORDERED in Tallahassee, Leon County, Florida





John J. Lazzara
Judge of Compensation Claims
Division of Administrative Hearings
Office of the Judges of Compensation Claims
Tallahassee District Office
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy the foregoing notice was entered and furnished by U.S. Mail to Teri Ann Bussey, Esquire, Catherine B. Chapman, Esquire, and Sheba T. Davis, 196 S.W. Garth Street, Fort White, Florida 32038 on this 17th day of February, 2010:



Paula Nickle
Secretary to Judge of Compensation Claims

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