

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

Beatris Hernandez,  
Employee/Claimant,

OJCC Case No. 12-016465MES

vs.

Accident date: 3/6/2012

Self Industries, Inc./Florida Tool/Tokio  
Marine,  
Employer/ Carrier/ Servicing Agent.

Judge: Margaret E. Sojourner

**FINAL COMPENSATION ORDER**

This matter was heard at a Final Hearing before the undersigned at Lakeland, Polk County, Florida on January 9, 2014. Present at the hearing were, Beatris Hernandez, Claimant, and her attorney, Jason Kobal. Also present at the hearing was attorney W. Rogers Turner on behalf of the Employer/Carrier (EC).

**Issues:**

1. Authorization of medical care and treatment.
2. Costs and attorney's fees.

**Defenses:**

1. The claim was initially accepted as compensable but has been denied based upon misrepresentation and no benefits are due.
2. The claimant used a false social security number to obtain medical benefits for this claim and on workers compensation forms submitted to the carrier.
3. No penalties, interest, cost or attorney's fees are due.

At the hearing the following items were marked as exhibits:

**Judge's Exhibits:**

1. PFB filed July 1, 2013.
2. Mediation report filed October 14, 2013.
3. Pretrial stipulation filed November 13, 2013.
4. Claimant's Trial Memorandum filed January 6, 2014, for purposes of argument only.
5. EC's Trial Memorandum filed January 3, 2014, for purposes of argument only.

**Employer/Carrier Exhibits:**

1. Deposition of Maria Hinojosa, records custodian for Lakeside Occupational Health, filed December 3, 2013.
2. Deposition of Gary Waylander, employer representative, filed January 3, 2014.
3. Deposition of Beatriz Hernandez filed January 3, 2014.
4. Deposition of Carol Cooper, adjuster, filed January 3, 2014.
5. Medical records of Dr. Arango filed January 3, 2014.
6. Claimant's identification card from Mexico filed January 9, 2014.
7. Department of Economic Opportunity document attached to EC Trial Memorandum.

**Findings of Fact and Conclusions of Law**

In making my findings of fact and conclusions of law in this claim, I have carefully considered and weighed all of the testimony and evidence presented. I have resolved all of the conflicts in the testimony and documentary evidence. Based upon the foregoing, the evidence, and the applicable law, I make the following determinations:

1. I have jurisdiction over the parties and the subject matter of this claim.
2. Venue is in Polk County, Florida.
3. The stipulations of the parties are accepted and adopted by me as findings of fact.
4. The claimant, Beatriz Hernandez, testified in person at the Final Merits hearing. She stated that she injured her back in the course and scope of her employment while lifting a pallet. She admitted at the hearing that she had provided the employer with a false social security number in order to obtain employment. She used this same social security number when she obtained care with authorized physicians and when she completed forms which were sent to her by the EC. Claimant maintains that she did not use this number to obtain workers' compensation benefits, but only used it in order to obtain employment.
5. A JCC must make two determinations when a misrepresentation defense is raised by the EC. *Arreola v. Administrative Concepts*, 17 So.3d 792 (Fla. 1<sup>st</sup> DCA 2009). The first is whether the claimant made or caused to be made false, fraudulent or misleading statements. The claimant has admitted to doing so in this matter and the exhibits placed into evidence confirm that she used a false social security number when obtaining medical benefits and when providing forms to the EC. The second, and more difficult, question is whether the statement is intended by the claimant to be for the purpose of obtaining benefits. I find that the


claimant did intend to obtain benefits by using this false social security number. The claimant has an identification card issued to her by the Mexican government for identification purposes. She testified that she uses this card to obtain medical care for herself for her non-workers compensation conditions. According to Carol Cooper, adjuster, she first learned that the claimant was using a false social security number approximately one year after the accident when claimant was deposed. Until that time the EC had been providing claimant with benefits. The claimant could have advised the adjuster that she had two forms of identification that she used - the false social security number and the identification card from Mexico, but she did not. The only reason she could have for doing so was that she wished to obtain benefits from the EC. Had she advised the employer or the carrier that her social security number was false and that she used another form of identification for obtaining unrelated medical or other benefits, the EC's investigation into this matter would not have been impeded. It is irrelevant whether the information that may have been discovered would have resulted in a denial of benefits. A claimant is required provide correct and honest information so that the EC can timely and properly investigate a claim and provide appropriate benefits to the claimant.

6. As the claimant made misrepresentations for the purpose of obtaining workers' compensation benefits her claim is barred.

Wherefore it is ordered

1. The claim for benefits is denied.
2. The claim for costs and attorney fees is denied.

DONE AND MAILED this 20th day of January, 2014, in Lakeland, Polk County, Florida.



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