

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Addison Drywall, Inc. and Bridgefield Employer's Etc. v. Salvador Torres and CRB Contractors, LLC and Normandy Insurance Co.

270 So. 3d 440 (Fla. 1st DCA 2019) · No. No. 1D18-2901 · Decided May 13, 2019

SUMMARY

The Florida First District Court of Appeal affirmed a workers' compensation order finding Addison Drywall, Inc. to be the claimant's employer and denying certain medical bills and temporary total disability benefits beyond the hearing date. The court held that the order did not need to state that benefits would continue for as long as they remained proper because the self-executing workers' compensation system supplied that protection.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Wolf, J.; Wetherell, J.; Makar, J.
JURISDICTION	Florida
DECIDED	May 13, 2019
DOCKET	No. 1D18-2901
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal and cross-appeal from an order of the Judge of Compensation Claims in a workers' compensation proceeding.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Addison Drywall, Inc., Bridgefield Employer's Etc. v. Salvador Torres, CRB Contractors, LLC, Normandy Insurance Co.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Judge of Compensation Claims erred by finding that Addison Drywall was Torres's employer at the time of the workplace accident.
2. Whether the Judge of Compensation Claims erred by denying payment of certain medical bills.
3. Whether the Judge of Compensation Claims erred by awarding temporary total disability benefits only through the date of the final hearing rather than expressly stating that benefits would continue for so long as they remained proper.

HOLDINGS

1. The Judge of Compensation Claims did not err by awarding TTD benefits only through the date of the hearing and omitting additional language stating that benefits would continue for so long as they remained proper.
2. The Judge of Compensation Claims' order was affirmed in all respects.

KEY QUOTATIONS

“Indeed, as the E/C recognizes, even without such language, the self-executing nature of the workers’ compensation system will require the E/C to continue providing TTD benefits to Claimant so long as he remains eligible for those benefits, and if the E/C fails to do so, Claimant is not without recourse.”

“Thus, under the circumstances, the language Claimant asks us to add to the JCC’s order is surplusage.”

FACTUAL BACKGROUND

Salvador Torres suffered a workplace accident on September 1, 2017. The Judge of Compensation Claims found that Addison Drywall was Torres's employer at the time of the accident. At the final hearing, Torres remained off work and was expected to remain off work until released by his doctor.

PROCEDURAL HISTORY

The Judge of Compensation Claims found that Addison Drywall was the claimant's employer when the workplace accident occurred, denied payment of certain medical bills, and awarded temporary total disability benefits through the date of the final hearing. Addison Drywall and its insurer appealed the employer determination, while Torres cross-appealed the denial of medical bills and the limitation of TTD benefits. The First District Court of Appeal affirmed the order in all respects.

DISPOSITION

affirmed

CASES CITED

- McDonnell Douglas Corp. v. McDonald, 620 So. 2d 1146, 1146 (Fla. 1st DCA 1993)