

FLORIDA DISTRICT COURT OF APPEAL, FIRST DISTRICT

Walters v. State-DOC/Division of Risk Management

100 So. 3d 1173 (Fla. 1st DCA 2012) · Decided October 16, 2012

SUMMARY

The Florida First District Court of Appeal held that a correctional officer was entitled to the statutory presumption under section 112.18, Florida Statutes, that his heart disease was suffered in the line of duty. Because the State did not present competent medical evidence establishing a non-occupational cause, the court reversed and remanded for an award of medical and other workers’ compensation benefits related to the heart disease.

CASE DETAILS

COURT	Florida District Court of Appeal, First District
WRITING FOR THE COURT	Benton, C.J.; Marstiller, J.; Ray, J.
JURISDICTION	Florida
DECIDED	October 16, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of a judge of compensation claims denying all workers' compensation benefits sought for the claimant's heart disease.
STANDARD OF REVIEW	The court reviewed the legal effect of the statutory presumption and whether competent substantial evidence rebutted it.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Jimmy Walters v. State of Florida, Department of Corrections/Division of Risk Management

TOPICS

- workers compensation
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- workers compensation
- employment law

QUESTIONS PRESENTED

1. Whether the State rebutted the section 112.18 statutory presumption of occupational causation by proving that Walters's heart disease was caused by a non-work-related virus.
2. Whether Walters was required to prove under section 440.151 that the viral gastroenteritis was itself an occupational disease after the section 112.18 presumption arose.

HOLDINGS

1. The State did not rebut the statutory presumption because it failed to prove that Walters encountered the virus outside the workplace or that his heart disease had a non-occupational cause.
2. Walters was not required to establish under section 440.151 that he contracted the virus at work or that the viral gastroenteritis was an occupational disease unless and until the section 112.18 presumption was rebutted.

KEY QUOTATIONS

“If the presumption applies, the claimant is under no obligation to establish occupational causation redundantly by adducing evidence beyond what was necessary to give rise to the presumption in the first place.” (100 So. 3d at 1176)

“The State had the burden to prove he did not get the virus at work, and failed to carry its burden.” (100 So. 3d at 1176)

“In shifting the burden to the claimant to prove that the offending virus was work-related, the judge of compensation claims failed to give proper effect to the section 112.18 presumption.” (100 So. 3d at 1176-77)

FACTUAL BACKGROUND

Walters was a correctional officer whose duties included collecting clothing from newly received inmates. A preemployment medical examination revealed no heart disease. In December 2009, after working while experiencing cold-like symptoms, he developed chills, nausea, and chest pain and was diagnosed with myopericarditis and cardiomyopathy. The parties stipulated to the facts necessary to invoke section 112.18, and the medical evidence identified a virus as the cause but did not establish where Walters encountered it.

PROCEDURAL HISTORY

Walters, a correctional officer, sought workers' compensation benefits under section 112.18, Florida Statutes, relying on the statutory presumption that qualifying heart disease was occupationally caused. The judge of compensation claims found that the presumption arose but concluded that the State rebutted it by showing that viral gastroenteritis caused Walters's heart disease, and alternatively found that Walters had not established the virus as an occupational disease under section 440.151. Walters appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the judge of compensation claims with directions to award medical benefits for the care and treatment of Walters's heart disease and any other workers' compensation benefits to which he is entitled on account of that heart disease.

CASES CITED

- Fuller v. Okaloosa Corr. Inst., 22 So. 3d 803, 806 (Fla. 1st DCA 2009)
- Caldwell v. Division of Retirement, Florida Department of Administration, 372 So. 2d 438, 441 (Fla. 1979)
- Universal Ins. Co. of N. Am. v. Warfel, 82 So. 3d 47, 52-54 (Fla. 2012)
- Lentini v. City of W. Palm Beach, 980 So. 2d 1232, 1233 (Fla. 1st DCA 2008)
- City of Tarpon Springs v. Vaporis, 953 So. 2d 597, 599 (Fla. 1st DCA 2006)
- Punskey v. Clay County Sheriff's Office, 18 So. 3d 577, 582-84 (Fla. 1st DCA 2009)
- Punskey v. Clay County Sheriff's Office, 18 So. 3d 577, 583-84 (Fla. 1st DCA 2009)

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