

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

SONIC AUTOMOTIVE and ROYAL
& SUNALLIANCE,

Appellants,

v.

MATTHEW J. JAMES,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D04-4724

Opinion filed September 19, 2005.

An appeal from an order of the Judge of Compensation Claims.
Dan F. Turnbull, Judge.

Cindy R. Galen of Eraclides, Johns, Hall, Gelman, Eikner & Johannessen, L.L.P.,
Sarasota, for Appellants.

Robert E. Keezel, Fort Myers, and Bill McCabe of Shepherd, McCabe & Cooley,
Longwood, for Appellee.

PER CURIAM.

Sonic Automotive and Royal & Sunalliance, the employer and carrier, appeal
a workers' compensation order awarding appellee claimant temporary indemnity
benefits, which we affirm, as supported by competent, substantial evidence. We

address, however, appellants' third point, urging that the judge of compensation claims erred in confronting the issue of the major contributing cause of claimant's need for medical care in that no claim for such benefit had been filed.

The language which appellants take issue with was not placed in the decretal portion of the order, but was instead located under the judge's findings, wherein it is recited: "There is no medical dispute from a pain management perspective that the aggravation of employee/claimant's pre-existing conditions caused by the industrial accidents is and remains the major contributing cause of the claimant's disability and need for continued medical treatment." We strike the words "and need for continued medical treatment" as unnecessary surplusage. As modified, the order is

AFFIRMED.

ERVIN, BARFIELD and VAN NORTWICK, JJ., CONCUR.