

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

CHARLES WEAVER,

Appellant,

v.

MBM and TRAVELERS INDEMNITY  
COMPANY,

Appellees.

---

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

CASE NO. 1D05-674

Opinion filed August 22, 2006.

An appeal from an order of the Judge of Compensation Claims.  
W. James Condry, Judge.

Bradley Guy Smith of Smith, Feddeler, Smith & Miles, P.A., Lakeland; Susan W. Fox of Fox & Loquasto, P.A., Tampa; and Wendy S. Loquasto of Fox & Loquasto, P.A., Tallahassee, for Appellant.

Lamar D. Oxford and Michael A. Lowe of Dean, Ringers, Morgan & Lawton, Orlando, for Appellees.

PER CURIAM.

In this workers' compensation appeal, Charles Weaver argues that sections 440.09(4) and 440.105, which allow a judge of compensation claims to determine whether a claimant has committed fraud, are facially unconstitutional because they

violate a claimant's right to equal protection of the law. Essentially, Weaver argues that these statutes deprive claimant of the procedures available to carriers accused of fraud under section 440.105. He also argues that these statutes impose stricter penalties on claimants accused of fraud than on carriers accused of fraud under section 440.105. We find that even if any classification scheme is created by these statutes, such rationally advances the legitimate governmental objective of eliminating fraud. See Medina v. Gulf Coast Linen Servs., 825 So. 2d 1018 (Fla. 1st DCA 2002); Sasso v. Ram Prop. Mgmt., 431 So. 2d 204 (Fla. 1st DCA 1983). We also find Weaver's other arguments on appeal lack merit. Accordingly, the order on appeal is AFFIRMED.

KAHN, C.J., BARFIELD and ALLEN, JJ., CONCUR.