

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

BRIAN MARTIN,
Appellant,

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

v.

CASE NO. 1D03-4551

STATE OF FLORIDA,
DEPARTMENT OF CORRECTIONS
and DIVISION OF RISK
MANAGEMENT,

Appellees.

Opinion filed January 19, 2005.

An appeal from an order of the Judge of Compensation Claims.
Thomas G. Portuallo, Judge.

Robert M. Cox and Paul A. Kelley, Winter Park; Bill McCabe, Longwood, for
Appellant.

William H. Rogner of Hurley, Rogner, Miller, Cox & Waranch & Westcott, P.A.,
Winter Park, for Appellees.

PER CURIAM.

In this workers' compensation case, we agree with the claimant, a former
correctional officer for the Florida Department of Corrections, that, as a matter of fact

and law, the date of his accident was October 24, 2002. Therefore, the claimant is entitled to the statutory presumption of compensability of his heart disease afforded by section 112.18(1), Florida Statutes (2002). Our conclusion on this point makes it unnecessary to address the remaining points raised. We reverse the final order of the judge of compensation claims denying and dismissing claimant's claim for benefits, and remand for further proceedings consistent with this opinion and chapter 440.

REVERSED and REMANDED, with directions.

BARFIELD, WEBSTER and BROWNING, JJ., CONCUR.