

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

ABIMAEL MARTINEZ,

Appellant,

v.

NIGHTSHIFT TEMPS, INC. & CNA
CLAIMS PLUS,

Appellees.

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

CASE NO. 1D04-3048

Opinion filed February 8, 2005.

An appeal from an order of the Judge of Compensation Claims.
S. Scott Stephens, Judge.

David C. Wiitala of Wiitala & Contole, P.A., North Palm Beach, for appellant.

No appearance for appellees.

PER CURIAM.

The order striking appellant's petition for benefits is reversed and the matter is remanded for further proceedings on the authority of Cagnoli v. Tandem Staffing, 29 Fla. L. Weekly D2500 (Fla. 1st DCA Nov. 5, 2004).

REVERSED and REMANDED.

ERVIN, BROWNING and HAWKES, JJ., concur.