

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

CITY OF KISSIMMEE AND
PREFERRED GOVERNMENTAL
CLAIM SOLUTIONS,

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

Appellants,

CASE NO. 1D06-4296

v.

GARY SIMPSON,

Appellee.

Opinion filed August 31, 2007.

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

Barbara A. Eagan and Michael Broussard, of Broussard, Cullen, Degailier & Eagan,
P. A., Orlando, for Appellants.

Todd J. Sanders and Paul A. Kelley, of Bichler & Kelley, P. A., Winter Park, for
Appellee.

PER CURIAM.

AFFIRMED. See City of Mary Esther v. McArtor, 902 So. 2d 942, 944 (Fla. 1st
DCA 2005) (where the claimant, a firefighter, suffered coronary artery disease and was

actually incapacitated from performing his regular duties, the court reversed the JCC's finding that the claimant was not entitled to benefits, holding that "the city's continued payment of the claimant's salary during his incapacity did not preclude a finding that the claimant was disabled").

DAVIS and POLSTON, JJ., and LAWRENCE, JR., L. ARTHUR, SENIOR JUDGE,
CONCUR.