

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

ORANGE COUNTY and
ALTERNATIVE SERVICE
CONCEPTS,

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

Appellants,

v.

CASE NO. 1D12-1401

LAVONDA WILDER,

Appellee.

_____ /

Opinion filed January 24, 2013.

An appeal from an order of the Judge of Compensation Claims.
Neal P. Pitts, Judge.

Date of Accident: March 10, 2011.

Karen J. Cullen and Meredith Barrios of Broussard & Cullen, P.A., Orlando, for
Appellants.

Kelli Biferie Hastings of the Law Office of Kelli Biferie Hastings, PLLC, Orlando,
and Paolo Longo of Bichler, Kelley et al., PLLC, Maitland, for Appellee.

PER CURIAM.

In this workers' compensation appeal, Orange County and Alternative
Service Concepts, the Employer/Carrier (E/C), challenge an order of the Judge of
Compensation Claims (JCC) awarding Claimant, Lavonda Wilder, appellee,

benefits for her heart disease based upon the presumption of occupational causation available in section 112.18, Florida Statutes (2010). The E/C acknowledges that Claimant met the prerequisites of proof for application of the presumption, including that her viral cardiomyopathy constitutes “heart disease” as that term is used in section 112.18. The E/C argues, however, that the JCC erred in failing to rule that the E/C had rebutted the statutory presumption by proving the cause of the cardiomyopathy was a virus. In the order under review, the JCC found that the E/C bore, but failed to meet, the burden of proving Claimant’s employment was not the cause of the viral cardiomyopathy. As this court recently held in Walters v. State of Florida – DOC/Division of Risk Management, 37 Fla. L. Weekly D2408 (Fla. 1st DCA Oct. 16, 2012), another case involving viral cardiomyopathy, “[i]f the presumption applies, the claimant is under no obligation to establish occupational causation redundantly by adducing evidence beyond what was necessary to give rise to the presumption in the first place. . . . The State had the burden to prove he did not get the virus at work, and failed to carry its burden.” Here, the JCC correctly applied the law consistent with Walters and competent substantial evidence supports the JCC’s finding that the E/C failed to meet its burden of proof.

AFFIRMED.

WOLF, VAN NORTWICK, and LEWIS, JJ., CONCUR.