

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

AMERICAN WOODMARK CO.  
d/b/a TIMBERLAKE CABINET  
CO. and BROADSPIRE,

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

Appellants,

v.

CASE NO. 1D12-4838

HAROLD SIPE,

Appellee.

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Opinion filed June 18, 2013.

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

Date of Accident: December 6, 2008.

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

Kenneth B. Schwartz of Kenneth B. Schwartz, P.A., West Palm Beach, for  
Appellee.

PER CURIAM.

The “two-dismissal rule” is set forth in Florida Administrative Code Rule  
60Q-6.116(2): “a second notice of voluntary dismissal shall operate as an  
adjudication of denial of any claim or petition for benefits previously the subject of

a voluntary dismissal.” Appellants argue the Judge of Compensation Claims erred, in the order on appeal, by not applying the two-dismissal rule to the instant claim for permanent total disability benefits so as to bar the claim under principles of res judicata. We agree, and reverse the order to the extent it awards such benefits.

REVERSED in part, and AFFIRMED in part.

CLARK, MARSTILLER, and SWANSON, JJ., CONCUR.