

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

ROBERT SAVARD,

Appellant,

v.

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

CASE NO. 1D12-5265

RIO VISTA MANAGEMENT
GROUP D/B/A MCDONALD'S/
USIS,

Appellees.

_____ /

Opinion filed August 22, 2013.

An appeal from an order of the Judge of Compensation Claims.
Geraldine B. Hogan, Judge.

Date of Accident: January 26, 2009.

Kimberly A. Hill of Kimberly A. Hill, P.L., Fort Lauderdale, for Appellant.

Diane H. Tutt of Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow &
Schefer, P.A., Hollywood, for Appellees.

BENTON, J.

After the merits hearing on a petition seeking permanent total disability
benefits for the claimant (appellant here) for the period December 13, 2011, and

continuing, the judge of compensation claims entered a compensation order granting the petition in part, and requiring payment of permanent total disability benefits for the period beginning July 30, 2012.

For unexplained reasons, the judge of compensation claims thereafter granted appellees' motion to vacate the initial compensation order. Among other things, appellees' motion to vacate had argued that appellees had been denied procedural due process because permanent total disability was found as of July 30, 2012, not as of December 13, 2011. After vacating the initial compensation order, the judge of compensation claims entered a second compensation order, this time denying the claim for permanent total disability benefits in toto, for the stated reason that the evidence did not establish the claimant's medical status as of December 13, 2011.

But no findings or reasoning explained the denial of permanent total disability benefits for any period after December 13, 2011. Accordingly, claimant moved to vacate the second order. In effect, the motion also sought, at the very least, reinstatement of the initial compensation order. Denial of the claimant's motion and unexplained denial of the relief the judge of compensation claims originally granted was error. See generally Daytona Beach Geriatric Center v. Linehan, 673 So. 2d 548, 549 (Fla. 1st DCA 1996) ("The petitions sought permanent total disability benefits as of September 15, 1993. . . . After a hearing,

the judge of compensation claims found the claimant to be permanently and totally disabled as of . . . July 13, 1995.”). Accordingly, we reverse with directions to vacate the second compensation order and reinstate the initial compensation order.

Reversed and remanded, with directions.

THOMAS, and CLARK, JJ., CONCUR.