

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

GAIL MARVIN,

Appellant,

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

v.

CASE NO. 1D14-1686

UNIVERSITY HOSPITAL/
BROADSPIRE SERVICES,
INC.,

Appellee.

Opinion filed December 3, 2014.

An appeal from an order of the Judge of Compensation Claims.
John J. Lazzara, Judge.

Date of Accident: April 9, 2009.

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

H. George Kagan of Miller, Kagan, Rodriguez & Silver, P.L., West Palm Beach, for
Appellee.

PER CURIAM.

In this workers' compensation case, Claimant appeals a summary final order dismissing his claims for permanent total disability (PTD) benefits under Florida Administrative Code Rule 60Q-6.116(2) (the "two-dismissal" rule) which states that

a second voluntary dismissal operates as an adjudication on the merits. Because our review of the record reveals no evidence of any voluntary dismissals, we REVERSE and REMAND for further proceedings on the pending PTD claims.

BENTON, CLARK, and ROWE, JJ., CONCUR.