



Oral Argument

Presided Over by the Florida First District Court of Appeal

**Breakout for Adjusters, Program Two
Tuesday, August 13, 2019, 1:00 PM – 2:00 PM
Orlando World Center Marriott
Palms Ballroom - Canary**

ORAL ARGUMENT CALENDAR
2019 WORKERS' COMPENSATION EDUCATIONAL CONFERENCE
FIRST DISTRICT COURT OF APPEAL
AT THE ORLANDO WORLD CENTER MARRIOTT
8701 WORLD DRIVE
ORLANDO FLORIDA

TUESDAY, AUGUST 13, 2019 – 1:00 PM
AT THE DISCRETION OF THE PRESIDING JUDGE, THE ORDER OF THE CASES MAY CHANGE

PANEL ASSIGNED
JUDGES STEPHANIE W. RAY, THOMAS D. WINOKUR, and HARVEY L. JAY

EDNA HERNANDEZ

- VS – 1D18-4406

FOOD MARKET CORP. D/B/A JOSEPH'S CLASSIC
MARKET, AMTRUST NORTH AMERICA OF FLORIDA
AND ASSOCIATED INDUSTRIES

David C. Wiitala of Wiitala and Contole, PA,

For Appellant,

Andrew R. Borah of Hurley, Rogner, Miller, Cox, Waranch,
and Westcott; Rayford H. Taylor of Hall, Booth, and Smith,
PC,

For Appellees.

15 MINUTES PER SIDE

EUGENE MCDONALD

- VS – 1D19-573

CITY OF JACKSONVILLE

John J. Rahaim, II, and Amie E. DeGuzman of Law Office
of John J. Rahaim, II,

For Appellant,

Michael Arington of Eraclides, Gelman, Hall, Indek,
Goodman, Waters, and Traverso,

For Appellee.

15 MINUTES PER SIDE

1D18-4406 Edna Hernandez v. Food Market Corp. dba Joseph’s Classic Market et al.

Claimant appeals the Judge of Compensation Claims’ (JCC’s) order denying her benefits after finding that Claimant presented a false Social Security number to a medical care provider for the purpose of obtaining medical treatment for her workplace injury in violation of sections 440.09(4) and 440.105(4), Florida Statutes. During the proceedings before the JCC, Claimant asserted that she presented the Social Security number because both her employer and the medical provider’s registration form advised her that a Social Security number was required to obtain treatment. On appeal, Claimant raises five issues. The first four issues concern whether and to what extent the JCC considered an estoppel avoidance of the E/C’s misrepresentation allegation.¹ In the fifth issue, Claimant asserts that section 440.105(4) is unconstitutional as applied to her because it is preempted by the federal Immigration Reform and Control Act of 1986 (IRCA).

1D19-0573 Eugene McDonald v. City of Jacksonville

Claimant, a law enforcement officer who suffered a heart attack, challenges an order of the Judge of Compensation Claims (JCC) denying compensability of his heart disease. The ground for the denial was the JCC’s finding that Claimant did not prove that the “trigger” of his heart attack was work related. In his appeal, Claimant argues that the JCC erred in his interpretation of *City of Jacksonville v. Ratliff*, 217 So. 3d 183 (Fla. 1st DCA 2017) to conclude that the E/C had no obligation to prove a non-occupational trigger of Claimant’s heart attack after Claimant satisfied the presumption criteria required by section 112.18, Florida Statutes.

¹ “Estoppel” is a legal concept in which a party asserts reliance on another party’s misleading representation and an injury or detrimental change in position as a result of that reliance.