The Law Offices of Bolton & Helm, LLP

CASE LAW UPDATE

1st DCA Creates New Category of Indemnity Benefits – Contested Case Advancements

In Lopez v. Allied Aerofoam/Specialty Risk Services, 2010 WL 4056042 (Fla. 1st DCA, October 18, 2010), the First DCA established a new category of indemnity benefits by providing that, in a contested claim, the Employer/Carrier can be required to pay an advancement to a claimant not over $2,000, again, even when the claim is contested. The Court explained that, "… Section 440.20(12)(c)2 requires the JCC to consider the interests of the person entitled [to the advance].The statute does not, however, mention a showing of ultimate compensability. We may not read such a requirement into the statute."

Discussion

The 1st DCA has expanded the payment of indemnity benefits to injured workers by providing for an advancement when the claim is contested.

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