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TPD Benefits

Morrison v. State of Florida Department of Veteran's Affairs, 36 Fla. L. Weekly D1199b, (Fla. 1st DCA June 8, 2011).

The appellate court affirmed the JCC's denial of TPD benefits because the claimant did not carry her burden to prove that her accident required work restrictions from the date of accident to the date of maximum medical improvement. One doctor testified that the restrictions imposed were not related to the accident. The JCC, who has the authority to accept the testimony of one doctor over another, discounted the testimony of a second doctor who equivocated as to the need for restrictions. The appellate court also noted that a decision in favor of the party without the burden of proof does not need to be supported by competent, substantial evidence.