

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

ERIC LAMONT SEIGLER,

Appellant,

v.

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

CASE NO. 1D10-4509

RMC AMERICAS OF
FLORIDA, LLC and CHARTIS
CLAIMS, INC.,

Appellees.

_____ /

Opinion filed March 22, 2011.

An appeal from an order of the Judge of Compensation Claims.
Paul T. Terlizzese, Judge.

Date of Accident: May 20, 2009.

Bill McCabe, Longwood, and David Rickey, Orlando, for Appellant.

Christine Davis Graves of Carlton Fields, P.A., Tallahassee, for Appellees.

PER CURIAM.

In this workers' compensation appeal, the Judge of Compensation Claims (JCC) erred in concluding the Employer/Carrier (E/C) timely responded to Claimant's request for a change in physician under section 440.13(2)(f), Florida

Statutes (2008). See Harrell v. Citrus County Sch. Bd., 25 So. 3d 675 (Fla. 1st DCA 2010). Consequently, the JCC erred in denying Claimant the right to select his change in physician, denying attorney's fees and costs, and taxing prevailing party costs against Claimant. Accordingly, the order on appeal is REVERSED, and this matter is REMANDED for proceedings consistent with this opinion.

ROBERTS, CLARK, and WETHERELL, JJ., CONCUR.