

**FILED**

AUG 16 2013

Chief Financial Officer  
Docketed by: *J. Johnson*

003195



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

**FILED**

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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

IN THE MATTER OF:

RING POWER CORPORATION AND  
UNITED SELF INSURED SERVICES

DOAH Case No. 13-0717  
Case No. 131074-13-WC

vs.

JEFFERY R. BAXTER AND  
DEPARTMENT OF FINANCIAL SERVICES

FINAL ORDER

This cause came on for consideration of and final agency action on the Recommended Order filed on July 3, 2013, by Administrative Law Judge (ALJ) E. Gary Early. A copy of that Recommended Order is attached as Exhibit A. On or about September 18, 2008, Jeffery R. Baxter (Baxter), an engine mechanic employed by Ring Power Corporation (Ring Power), suffered a work related injury. Later, on August 24, 2010, Baxter suffered another work related injury with Ring Power, and was placed on light duty by Dr. Riddlehoover on September 16, 2010, and referred to physical therapy. On June 9, 2011, Ring Power terminated Baxter because the company could no longer employ him within the light duty restrictions indicated by Dr. Riddlehoover. On August 31, 2011, Baxter requested vocational screening from Department of Education, Bureau of Rehabilitation and Reemployment Services (DOE) to assist him in returning to a more suitable employment due to his medical condition. On April 20, 2012, due to DOE funding cuts by the legislature, the duties of DOE were transferred from DOE to the Department of Financial Services, Division of Workers' Compensation (Division). On December 3, 2012, the Division issued a letter approving Baxter's vocational retraining pursuant to Section 440.491, Florida Statutes, through the Computer Information Technology, A.S. Degree program then offered and operating at the

Florida Gateway College. Ring Power and United Self Insured Services filed a petition disputing the Division's approval of retraining for Baxter. Ring Power and USIS requested a hearing on this matter.

Pursuant to Section 120.57(1), Florida Statutes, a formal hearing was conducted on May 24, 2013, before Administrative Law Judge E. Gary Early. No exceptions were filed.

After review of the record, including admitted exhibits, and being otherwise fully apprised in all material premises,

IT IS HEREBY ORDERED that the ALJ's Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted as the Department's Findings of Fact and Conclusions of Law.

IT IS HEREBY FURTHER ORDERED that Jeffery R. Baxter is not eligible for reemployment services at the expense of Ring Power Corporation and United Self Insured Services.

DONE and ORDERED this 16 day of August, 2013.



A handwritten signature in black ink, appearing to read "R. Kneip".

Robert C. Kneip  
Chief of Staff

#### NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla. R. App. P. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, DFS Agency Clerk, at 612 Larson Building, Tallahassee, Florida, 32399-0390 and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

Copies furnished to:

Heather E. Sosnowski, Esquire  
Bruce Feifer, Esquire  
E. Gary Early, ALJ