

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

SARAH BURKE, on behalf of and as  
parent of MATTHEW WILLIAM BURKE,  
a deceased minor,

Petitioner,

vs.

Case No. 17-4994N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent.

\_\_\_\_\_ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claim Arising Out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes (Stipulation and Joint Petition), filed with the Division of Administrative Hearings on January 16, 2018, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the provisions of chapter 766 and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their stipulation, Petitioner, Sarah Burke, as parent and natural guardian of Matthew William Burke

(Matthew), deceased, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Sarah Burke is the parent and legal guardian of Matthew; that Matthew was born a live infant on or about June 29, 2014, at Florida Hospital North Pinellas, a "hospital" as defined by section 766.302(6), located in Tarpon Springs, Florida; and that Matthew's birth weight exceeded 2,500 grams. The Parties have further agreed that Thomas Umstead, M.D., provided obstetrical services at Matthew's delivery and was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Matthew suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of his injury and subsequent death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on January 16, 2018, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Sarah Burke, as the parent and legal guardian of Matthew William Burke is awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as a lump sum; and payment of the \$10,000.00 death benefit pursuant to section 766.31(1)(b)1. and past benefits

of \$10,650.00. Payment of past benefits pursuant to section 766.31(1)(a), shall be subject to the provisions of paragraph 20 of the Stipulation and Joint Petition

4. Upon the payment of the award of \$100,000.00, the death benefit of \$10,000.00, and past benefit/expenses of \$10,650.00, the claims of Petitioner shall be deemed fully satisfied and extinguished.

5. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any disputes, should they arise, regarding the Parties' compliance with the terms of this Order.

DONE AND ORDERED this 22nd day of February, 2018, in Tallahassee, Leon County, Florida.



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W. DAVID WATKINS  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

Filed with the Clerk of the  
Division of Administrative Hearings  
this 22nd day of February, 2018.

COPIES FURNISHED:  
(via certified mail)

Kenney Shipley, Executive Director  
Florida Birth Related Neurological  
Injury Compensation Association  
Suite 1  
2360 Christopher Place  
Tallahassee, Florida 32308  
(eServed)  
Certified Mail No. 7016 0910 0001 7987 6831

Scott M. Whitley, Esquire  
Morgan & Morgan  
7th Floor  
201 North Franklin Street  
Tampa, Florida 33602  
Certified Mail No. 7016 0910 0001 7987 6848

Amie Rice, Investigation Manager  
Consumer Services Unit  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
Certified Mail No. 7016 0910 0001 7987 6855

Justin Senior, Secretary  
Health Quality Assurance  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 1  
Tallahassee, Florida 32308  
(eServed)  
Certified Mail No. 7016 0910 0001 7987 6862

Thomas Umstead, M.D.  
1812 Healthcare Drive  
Trinity, Florida 34655  
Certified Mail No. 7016 0910 0001 7987 6879

Florida Hospital North Pinellas  
Attention: Risk Management  
1395 South Pinellas Avenue  
Tarpon Springs, Florida 33689  
Certified Mail No. 7016 0910 0001 7987 6886

NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).