



780 So.2d 296  
780 So.2d 296, 26 Fla. L. Weekly D794  
(Cite as: 780 So.2d 296)

Page 1

Yellow Cab v. Landin  
Fla.App. 1 Dist.,2001.

District Court of Appeal of Florida,First District.  
YELLOW CAB and Transportation Casualty Ins.  
Co., Appellant,  
v.  
Janet LANDIN, Appellee.  
**No. 1D00-307.**

March 19, 2001.

Employer appealed from order of the Judge of Compensation Claims, Steven P. Cullen, J., finding that employee was entitled to temporary partial disability (TPD) and temporary total disability benefits (TTD). The District Court of Appeal held that: (1) employee was not entitled to TTD benefits, and (2) employee was entitled to TPD benefits.

Affirmed in part, reversed in part, and remanded.

West Headnotes

**[1] Workers' Compensation 413 🔑1637**

413 Workers' Compensation  
413XVI Proceedings to Secure Compensation  
413XVI(N) Weight and Sufficiency of Evidence  
413XVI(N)9 Amount and Period of Compensation  
413k1635 Compensation for Total Disability in General  
413k1637 k. Temporary Disability in General. Most Cited Cases  
Workers' compensation claimant was not entitled to temporary total disability (TTD) benefits, where all medical evidence indicated that claimant was capable of working as long as she did not engage in any activity that involved repetitive use of her hands, and only evidence offered in support of TTD benefits was claimant's belief that she was incapable of doing any work offered by employer.

**[2] Workers' Compensation 413 🔑854**

413 Workers' Compensation  
413IX Amount and Period of Compensation  
413IX(B) Compensation for Disability  
413IX(B)2 Total Incapacity  
413k852 Amount and Period  
413k854 k. Temporary Total Disability. Most Cited Cases  
Temporary total disability (TTD) benefits are generally not awardable if there is medical evidence that claimant is able to perform work with some restrictions.

**[3] Workers' Compensation 413 🔑1642**

413 Workers' Compensation  
413XVI Proceedings to Secure Compensation  
413XVI(N) Weight and Sufficiency of Evidence  
413XVI(N)9 Amount and Period of Compensation  
413k1640 Compensation for Partial Disability in General  
413k1642 k. Temporary Disability. Most Cited Cases  
Substantial competent evidence supported finding that job duties offered by employer exceeded workers' compensation claimant's work restrictions, and thus award of temporary partial disability (TPD) benefits was proper.

**\*296** Robert L. Teitler and Beth J. Leahy, of Walton, Lantaff, Schroeder & Carson, Miami, for Appellant.  
David J. Weissman, of Rosenthal & Weissman, West Palm Beach; and Randy D. Ellison, West Palm Beach, for Appellee.  
PER CURIAM.  
In this workers' compensation case, the E/C appeals the order of the Judge of Compensation Claims (JCC) finding that Appellee's bilateral carpal tunnel syndrome was compensable and that Appellee was entitled to both temporary partial disability (TPD)

780 So.2d 296  
780 So.2d 296, 26 Fla. L. Weekly D794  
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Page 2

and temporary total disability (TTD) benefits. We affirm the finding of compensability without discussion but reverse the award of TTD benefits.

[1][2] “TTD benefits are generally not awardable if ... there is medical evidence that claimant is able to perform work with some restrictions.” *Garcia-Vina v. U.S. Holiday Health and Recreation*, 634 So.2d 200, 200 (Fla. 1st DCA 1994). In this case, all of the medical evidence indicated that Appellee was capable of working as long as she did not engage in any activity that involved the repetitive use of her hands, and the only evidence offered in support of the TTD benefits was Appellee's subjective belief that she was incapable of doing any of the work offered by Yellow Cab. Thus, we must reverse the award of TTD benefits from April of 1999 until the date of the hearing.

[3] However, there is competent and substantial evidence in the record that some of the job duties offered by Yellow Cab exceeded Appellee's work restrictions and that Yellow Cab did not always have this work available to Appellee. Accordingly, the award of temporary partial disability benefits from the date of occurrence until April of 1999 was proper, and on remand the JCC shall extend the temporary partial disability through the date of the hearing.

\*297 Accordingly, we AFFIRM in part, REVERSE in part, and REMAND for further proceedings consistent with this opinion.

MINER, WOLF, and DAVIS, JJ., concur.  
Fla.App. 1 Dist.,2001.  
Yellow Cab v. Landin  
780 So.2d 296, 26 Fla. L. Weekly D794

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