

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

GILDA BROWN SULUKI,

Appellant,

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

v.

CASE NO. 1D06-5365

AMERICAN AIRLINES and  
SPECIALTY RISK SERVICES,

Appellees.

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Opinion filed May 8, 2008.

An appeal from an order of the Judge of Compensation Claims.  
Kathryn S. Pecko, Judge.

Toni L. Villaverde of Villaverde & Martinez, PLLC., South Miami, for Appellant.

Rusten C. Hurd of Colombo, Hurd & Brandt, PL, Orlando, for Appellees.

PER CURIAM.

AFFIRMED.

LEWIS and HAWKES, JJ., CONCUR. BROWNING, C.J., CONCURS WITH  
OPINION.

BROWNING, C.J., concurring.

I write only to make known my reasons for concurring in the majority affirmance of a final order entered twenty-three months after the final hearing. It is fundamental to me that a Judge of Compensation Claims (JCC) cannot adequately remember the testimony addressed at a hearing after such a long delay, and such a delay should be treated as a per se reversible error. Claimant deserves a ruling from a JCC with a “fresher” mind than one occasioned by such a delay. I concur here because Appellant failed to preserve this issue before the JCC. See Rivendell of Ft. Walton v. Petway, 833 So. 2d 292, 295 (Fla. 1st DCA 2002). I concur fully in the majority’s affirmance of the other issues.