



The ALJ determined “No just cause has been shown to excuse the extreme neglect of the Respondent and it would be unfairly prejudicial to the Claimant to delay this matter further.” Consequently, the ALJ denied respondent’s request for an extension of its terminal date.

The initial issue that the Board must address in this case is whether the Board has jurisdiction to review the ALJ’s Order which denied respondent’s request to extend its terminal date. The Board finds and concludes that it does not have jurisdiction to review this particular matter at this juncture of the proceedings.

The ALJ’s decision to extend terminal dates is interlocutory in nature and made during the litigation of a workers compensation case that is before the ALJ. This is neither a final order that can be reviewed pursuant to K.S.A. 44-551 nor an order entered pursuant to the preliminary hearing statute, K.S.A. 44-534a, as preliminary hearing orders are limited to issues of furnishing of medical treatment and payment of temporary total disability compensation. The Order now before the Board pertains to an interlocutory matter, over which an ALJ, pursuant to K.S.A. 44-523(c) has authority to decide during the litigation of a workers compensation case. Consequently, the Board lacks jurisdiction to review such an order until it is contained in a final order or award.

**WHEREFORE**, it is the finding of the Board that respondent's appeal from the Order of Administrative Law Judge Bryce D. Benedict dated September 16, 2004, should be, and is hereby, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of October 2004.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

- c: Roger D. Fincher, Attorney for Claimant
- Anton C. Andersen, Attorney for Respondent and its Insurance Carrier
- Bryce D. Benedict, Administrative Law Judge
- Paula S. Greathouse, Workers Compensation Director