

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

WANDA ELAINE OSBORN)	
Claimant)	
VS.)	
)	Docket Nos. 1,020,603 &
U.S.D. 450)	1,020.604
Respondent)	
AND)	
)	
KANSAS ASSOCIATION OF SCHOOL BOARDS)	
WORKERS COMPENSATION FUND (KASB) and)	
TWIN CITY FIRE INSURANCE COMPANY)	
Insurance Carriers)	

ORDER

Claimant appeals the November 13, 2008, Award of Administrative Law Judge Brad E. Avery (ALJ).

Claimant appeared by her attorney, Bruce Alan Brumley of Topeka, Kansas. Respondent and its insurance carrier Kansas Association of School Boards Workers Compensation Fund (KASB) appeared by their attorney, Anton C. Andersen of Kansas City, Kansas. Respondent and its insurance carrier Twin City Fire Insurance Company (Twin City) appeared by their attorney, Patricia A. Wohlford of Overland Park, Kansas.

The Appeals Board (Board) has considered the record and adopts the stipulations contained in the Award of the ALJ. At oral argument to the Board, the parties stipulated that the March 9, 2005, report of orthopedic surgeon Mary Ann Hoffmann, M.D., is a part of this record, and that independent medical examination report may be considered for the purposes of this award. The Board heard oral argument on February 10, 2009.¹

¹ In the Award, the ALJ listed Docket No. 1,020,603 and Docket No. 1,020,604. However, regarding Docket No. 1,020,604, in the Stipulations, Issues and Findings sections of the Award, the docket number is incorrectly listed as Docket No. 1,020,624. These typographical errors will be corrected by the Board.

Docket No. 1,020,603

ISSUES

1. Did claimant suffer an accidental injury or injuries which arose out of and in the course of her employment with respondent? The ALJ found that claimant had suffered an accidental injury on January 7, 2004, when she slipped on ice while walking to her car.
2. What is the nature and extent of claimant's injury and disability? The ALJ awarded claimant benefits for a 14.67 percent functional impairment to the body as a whole, but denied claimant a permanent partial general body (work) disability under K.S.A. 44-510e. Claimant argues entitlement to a work disability or a finding that she is permanently and totally disabled. But respondent argues that either the award should be affirmed or claimant's award should be limited to a functional impairment to claimant's left lower extremity.
3. Is claimant entitled to future and unauthorized medical treatment?

FINDINGS OF FACT

The Award of the ALJ sets out detailed findings of fact. It is not necessary to repeat those herein. The Board adopts those findings of fact in their entirety as its own.

PRINCIPLES OF LAW AND ANALYSIS

The Award of the ALJ sets out principles of law and analysis in detail. It is not necessary to repeat those herein. The Board adopts those principles of law and analysis in their entirety as its own in affirming the Award of the ALJ.

CONCLUSIONS

Having reviewed the entire evidentiary file contained herein, the Board finds the Award of the ALJ should be affirmed.

Docket No. 1,020,604

ISSUES

1. Did claimant suffer an accidental injury while working for respondent?
2. Did claimant's accidental injury arise out of and in the course of her employment with respondent?
3. Did claimant provide respondent with timely notice of an accidental injury?
4. What is the nature and extent of claimant's disability?
5. Is claimant entitled to future and unauthorized medical treatment?

FINDINGS OF FACT

The Award of the ALJ sets out findings of fact in detail. It is not necessary to repeat those herein. The Board adopts those findings of fact in their entirety as its own.

PRINCIPLES OF LAW AND ANALYSIS

The Award of the ALJ sets out principles of law and analysis in detail. It is not necessary to repeat those herein. The Board adopts those principles of law and analysis as its own.

CONCLUSIONS

Having reviewed the entire evidentiary file contained herein, the Board finds the Award of the ALJ should be affirmed.

AWARD

Docket No. 1,020,603

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Brad E. Avery dated November 13, 2008, should be, and is hereby, affirmed.

Docket No. 1,020,604

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Brad E. Avery dated November 13, 2008, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of May, 2009.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Bruce Alan Brumley, Attorney for Claimant
- Anton C. Andersen, Attorney for Respondent and its Insurance Carrier Kansas Association of School Boards Workers Compensation Fund (KASB)
- Patricia A. Wohlford, Attorney for Respondent and its Insurance Carrier Twin City Fire Insurance Company (Twin City)
- Brad E. Avery, Administrative Law Judge