

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

MONTY LEE RICHMEIER)	
Claimant)	
)	
VS.)	
)	
AMERICAN EAGLE DRILLING, LLC)	
Respondent)	Docket Nos. 1,049,049
)	and 1,049,050
AND)	
)	
LIBERTY MUTUAL INSURANCE CO.)	
Insurance Carrier)	

ORDER

STATEMENT OF THE CASE

Claimant requested review of the March 16, 2011, Award entered by Administrative Law Judge Bruce E. Moore. The Board heard oral argument on July 6, 2011. The Director appointed E.L. Lee Kinch to serve as Appeals Board Member Pro Tem in place of former Board Member Julie A.N. Sample. Scott J. Mann, of Hutchinson, Kansas, appeared for claimant. John David Jurcyk, of Kansas City, Kansas, appeared for respondent and its insurance carrier (respondent).

In Docket No. 1,049,049, the Administrative Law Judge (ALJ) found that claimant had a 2 percent permanent partial impairment to his left lower extremity at the level of the leg. Further, the ALJ found that since claimant had not presented the deposition testimony of Dr. William Miller or the dental bill of Dr. Miller, there was no evidence that the charges incurred by Dr. Miller were reasonable or necessary to claimant's care and treatment of his work-related injury. Accordingly, the ALJ did not order Dr. Miller's bill to be paid as authorized medical. The ALJ found that respondent properly paid claimant temporary total disability benefits from June 4, 2009, to August 24, 2009, a period of 11.71 weeks, in Docket No. 1,049,049. The ALJ found that respondent overpaid temporary total disability benefits in Docket No. 1,049,049 to the extent of 12.29 weeks.

In Docket No. 1,049,050, the ALJ found that claimant had a 10 percent impairment to his right lower extremity at the level of the lower leg. Further, the ALJ found that

claimant was entitled to no temporary total disability benefits and that respondent had overpaid temporary total disability benefits to the extent of 18.41 weeks.

The Board has considered the record and adopted the stipulations listed in the Award.

ISSUES

Claimant requests review of whether the ALJ erred in finding that claimant did not have just cause to extend his terminal date. Claimant also contends that the transcripts of the depositions of Dr. Alex De Carvalho and Dr. William Miller should have been included in the record of the case; that the evidence showed that claimant's dental treatment was reasonable and necessary to cure the effects of claimant's left knee injury; and that claimant is entitled to temporary total disability benefits from October 15, 2008, until November 6, 2009. In addition, claimant asks that the Board affirm that claimant had a 2 percent permanent partial impairment to the left lower extremity at the level of the leg but modify the award to find he had a 12 percent permanent partial impairment to the right lower extremity at the level of the lower leg.

Respondent asserts the ALJ properly held that claimant did not show there was just cause to extend his terminal date or re-open the evidence and properly excluded the transcripts of the depositions of Drs. De Carvalho and Miller from the record; properly found that claimant failed to meet his burden of proving his treatment by Dr. Miller was either reasonable or necessary to the care and treatment of claimant's work-related injury; and properly found that claimant failed to meet his burden of proving his entitlement to temporary total disability benefits before June 4, 2009, or after August 24, 2009. Last, respondent argues that claimant failed to prove any impairment to his right lower extremity (Docket 1,049,050) and asks the Board to modify the Award to find that claimant should be limited to an award of 2 percent to the left lower extremity at the level of the leg (in Docket No. 1,049,049).

The issues for the Board's review are:

(1) Did the ALJ err in finding that claimant did not establish just cause to extend his terminal date?

(2) Should the transcripts of the depositions of Drs. De Carvalho and Miller be included in the record of the case? If so, should the case be remanded to the ALJ for him to consider that evidence?

(3) Did the evidence show that claimant's dental treatment by Dr. William Miller was reasonable and necessary to cure the effects of claimant's left knee injury?

(4) Is claimant entitled to temporary total disability benefits from October 16, 2008, through June 3, 2009, or from August 24, 2009, to November 6, 2009?

(5) What was the nature and extent of claimant's left knee disability (Docket 1,049,049)?

(6) What is the nature and extent of claimant's disability to his right leg (Docket 1,049,050)?

FINDINGS OF FACT

Claimant worked as a roughneck on a drilling rig for respondent, an oil recovery and exploration business. On September 5, 2008, he injured his left knee when he stepped off a skid while carrying a 90 to 100 pound sack of drilling mud, and his left knee buckled. He reported the injury to his supervisor, Steve Miller, who wrote it down in the daily drilling report. Claimant did not miss any time from work until October 15, 2008, and continued to perform his regular duties as a roughneck. On October 15, 2008, claimant suffered a second injury while working for respondent when he and two coworkers were carrying a 30 foot pipe. As they stepped onto a catwalk, claimant slipped, and the pipe came down on his right leg, injuring his right lower leg, ankle and foot. His supervisor, Mr. Miller, saw him fall, and claimant said Mr. Miller noted the incident in the daily drilling report.

After the October 2008 injury, claimant was seen by his personal physician, Dr. B. N. Reddy, who placed him on crutches. Claimant said he was on crutches for approximately six weeks. At some point claimant was treated by Dr. De Carvalho for his left knee injury. Dr. De Carvalho performed surgery on his left knee in June 2009. Claimant was last seen by Dr. De Carvalho on October 12, 2009. Between November 2009 and May 2010, claimant looked for work. He went to work in May 2010 for Val Energy, another drilling company, as a roughneck.

At the regular hearing, claimant testified that he was continuing to have pain in his right ankle and foot. Being on his feet causes the pain to worsen. Claimant also testified that his left knee hurts and pops, which is worsened by being on his feet and by activity.

Dr. Mekki Majeed Saba, an orthopedic surgeon, saw claimant on December 4, 2008, at the request of the respondent. Claimant gave Dr. Saba a history of his slip and fall accident while carrying a heavy pipe.¹ He said the pipe fell on his right leg about six inches proximal to the ankle joint. Claimant told Dr. Saba he had a lot of pain and was not able to continue working. Claimant denied any immediate swelling and bruising of his leg. Dr. Saba reviewed an x-ray of the right ankle, which showed no injury to the right ankle or

¹ Although claimant gave Dr. Saba a date of accident of September 15, 2008, the accident to which he referred was the accident of October 15, 2008.

foot. An MRI of the right ankle, which had been ordered by Dr. Reddy, showed no evidence of fracture but revealed that claimant had degenerative changes at the talis.² There is no mention in Dr. Saba's report that claimant said anything about an injury to his left knee, and Dr. Saba indicated that if claimant had reported a left knee problem, he would have included that in his report.

Dr. Saba testified that at the time he examined claimant, he did not find any convincing evidence that claimant had sustained permanent damage to his right foot or ankle. His physical findings showed no fractures, significant muscle wasting, limitation of movement or waste of muscle. The results of a nerve conduction study were negative to any nerve pathology. He believed that there were findings of symptom magnification. He opined that claimant had reached maximum medical improvement (MMI). Dr. Saba indicated in his report that claimant had sustained no permanent impairment and advised claimant's family physician that claimant could be released to return to work.

On cross-examination by claimant's attorney, Dr. Saba stated that he had signed a form entitled Workers Compensation Work Status where he indicated that claimant was unable to work from "12-4-08 to ?".³ The form also indicates claimant could be released "? after EMG and [follow up with] Dr. Saba."⁴ However, Dr. Saba did not see claimant after the appointment of December 4, 2008. He did not issue another work slip releasing claimant to return to work. Notwithstanding the work status slip, Dr. Saba believed claimant was capable of returning to full duty as of December 4, 2008. Claimant testified, however, that he did not return to work after being released by Dr. Saba because he could hardly walk.⁵

Dr. David Hufford is board certified in family practice and sports medicine, and is a board certified independent medical examiner. On February 5, 2010, he examined claimant at the request of claimant's attorney. Claimant told Dr. Hufford that he was injured on September 5, 2008, when he stepped in a rut and twisted his left knee while carrying a sack of drilling mud. He also told Dr. Hufford that he was injured again on October 15, 2008, when a drilling pipe fell and struck him on his right calf, which caused him to fall with his right arm outstretched. Claimant told Dr. Hufford that his current symptoms were a mild residual pain in his left knee with no locking, popping or instability.

² Claimant also complained to Dr. Saba of injuries to his right wrist and hand. He has made no claim for impairment to his right upper extremity. Claimant's Application for Hearing for the accident of October 15, 2008, states that he suffered injuries only to his "[r]ight ankle and foot." Form K-WC E-1 filed January 20, 2010.

³ Saba Depo., Resp. Ex. 3.

⁴ *Id.* The results of the nerve conduction study/EMG are not in the record, although Dr. Saba testified the results were negative. There was no evidence of what date the EMG was performed.

⁵ R.H. Trans. at 28-29.

He also complained of residual pain in his right ankle and dysesthesia across the dorsum of the foot along the second, third and fourth distal metatarsals.

In examining claimant's left knee, Dr. Hufford found it to be stable with some mild tenderness along the medial joint line. McMurray's test was negative, and claimant had full extension and flexion and normal strength. In regard to the accident of September 5, 2008, Dr. Hufford diagnosed claimant with a medial meniscal tear, stating claimant was status post partial medial meniscectomy. He opined that the left knee condition was causally related to the September 2008 injury.

In examining claimant's right lower extremity, Dr. Hufford found no significant physical findings in the right knee. Claimant had some tenderness in the anterior right ankle. He had good stable anterior drawer testing without evidence of laxity. He had relatively unremarkable findings, except for some decreased range of motion in the ankle and some tenderness in the right foot along the metatarsal heads of the second, third and fourth toes. Otherwise, Dr. Hufford's examination of claimant's right foot was benign, except for some slight diminished sensory testing across the medial aspect of the foot. Dr. Hufford diagnosed claimant with some dysesthesia of the right foot. He opined that the right lower extremity condition was causally related to the October 2008 injury.

Based on the *AMA Guides*, Dr. Hufford rated claimant as having a 2 percent impairment to the left lower extremity for the partial medial meniscectomy of the left knee. For the right ankle, Dr. Hufford assigned impairment of 7 percent to the left lower extremity for a range of motion deficit and a 5 percent impairment for the dysesthesia at the dorsum of the foot, which combine for a 12 percent permanent partial impairment of the right lower extremity. Dr. Hufford found no impairment for claimant's complaints concerning his right hand.⁶

Dr. Hufford recommended that claimant have restrictions based on the results of a functional capacity evaluation claimant had undergone. Dr. Hufford placed claimant in the light/medium DOT category. He based his restrictions primarily due to claimant's residual pain in the right ankle; he did not remember claimant having residual pain in the left knee. Claimant should restrict his lifting to 7 pounds constantly, 15 pounds frequently and no more than occasional lifting of 35 pounds or more. He also recommended occasional walking and standing and the avoidance of ladders. Dr. Hufford testified he did not believe that claimant would be capable of going back to the work of a roughneck. However, after being told that claimant had gone back to work as a roughneck, Dr. Hufford stated, "I wouldn't question my physical findings, but I certainly would question the validity of the

⁶ Again, claimant has made no claim for disability for his right upper extremity.

conclusions I drew on his restrictions which were largely based on his subjective symptoms as well as the findings in his functional capacity evaluation.”⁷

At the regular hearing, respondent claimed an overpayment of temporary total disability benefits. It had not previously made overpayment of temporary total an issue in this claim. A pretrial hearing was held on April 20, 2010, and respondent advised that in Docket No. 1,049,049 (left knee injury) it had paid temporary total disability benefits for 24 weeks at the rate of \$529 for a total of \$12,731.94. This covered a period from March 24, 2009, to October 12, 2009. In Docket No. 1,049,050, respondent had paid 18.41 weeks of temporary total disability benefits at the rate of \$529 for a total of \$9,742.54, covering a period from October 16, 2008, to March 26, 2009.⁸

The attorney for respondent stated that it was claiming that the only temporary total disability benefits claimant was entitled to was for the period of June 4, 2009, to August 24, 2009.⁹ Respondent’s attorney argued that the record showed claimant was not totally disabled from any type of employment before his left knee surgery, which was performed on June 4, 2009, nor was he totally disabled after August 24, 2009. Claimant’s attorney made no objection to the addition of this issue.

Later, respondent’s attorney, in answering the ALJ’s question about the date of accident in Docket No. 1,049,050 (October 15, 2008), stated:

. . . TTD was paid on that claim from October 16th ‘08 to 3-26-09, 18.41 weeks, at the dollar amount indicated, and I believe that I stipulated that we believe it was appropriately paid from October 16th through December 4th of 2008, and the payment from December 5th of 2008 through March 26th of 2009 is what we claim is overpaid.¹⁰

During claimant’s testimony at the regular hearing, there was testimony about whether Dr. De Carvalho said claimant needed to have his teeth fixed before he would perform surgery on his left knee. The ALJ allowed the questions to be asked and answered “[s]ubject to the doctor actually testifying, if he doesn’t testify, this testimony will not be considered.”¹¹ Claimant’s attorney told the ALJ that Dr. De Carvalho’s deposition

⁷ Hufford Depo. at 18.

⁸ It appears that claimant was paid temporary total disability benefits in both cases for March 24, 25 and 26.

⁹ R.H. Trans. at 14.

¹⁰ R.H. Trans. at 28.

¹¹ R.H. Trans. at 20.

had been “scheduled by the respondent.”¹² Later, claimant’s attorney asked claimant about when Dr. De Carvalho had released him to return to work, and the ALJ allowed the testimony “[s]ubject to Dr. De Carvalho testifying.”¹³ The ALJ did not allow off-work slips from Dr. De Carvalho to be added as exhibits at the regular hearing.

At the end of claimant’s direct examination, the ALJ asked claimant’s attorney if he wanted to introduce as an exhibit the dental bill from Dr. Miller. Claimant’s attorney answered:

Mr. Mann: Your Honor, we’ll take—well, first, we’ll see what Dr. Alex [De Carvalho] says, but we’ll probably take Dr. Miller.

THE COURT: I would suggest you probably need to take Dr. Miller. Just because I have a bill doesn’t mean it was either reasonable or necessary. There could be a lot of cosmetic things in there that doesn’t have anything to do with the infection, and the bill doesn’t tell me any of that.¹⁴

The ALJ set claimant’s terminal date to be September 13, 2010, and respondent’s terminal date to be October 13, 2010. Respondent had previously scheduled Dr. De Carvalho’s deposition for October 1, 2010. However, Dr. De Carvalho’s deposition was cancelled by respondent on August 16, 2010, five days after the regular hearing. Claimant’s attorney’s office was given notice of the cancellation on or about August 16. Claimant’s attorney did not schedule the depositions of either Dr. De Carvalho or Dr. Miller before the end of his terminal date, September 13. Respondent filed its submission letter on October 14, 2010, the day after its terminal date.

On October 18, 2010, claimant filed a Motion for Extension of Terminal Date in order to allow him time to take additional depositions. At the hearing held on the motion on November 18, 2010, claimant stated that the first time he was made aware the respondent was going to claim an overpayment of temporary total disability benefits was at the regular hearing. At that time, Dr. De Carvalho’s deposition was scheduled for October 1, and claimant’s attorney planned to take up the issue of temporary total disability benefits at Dr. De Carvalho’s deposition. Claimant’s attorney argued: “[T]he respondent then cancelled that deposition, I think at the last minute.”¹⁵ Respondent’s attorney objected to the re-opening of terminal dates. The ALJ could find no stipulation in the record that temporary total disability benefits were paid because they were owed, only that the benefits were

¹² *Id.*

¹³ R.H. Trans. at 23.

¹⁴ R.H. Trans. at 34.

¹⁵ Motion Hearing Trans. (Nov. 18, 2010) at 5.

paid. The ALJ also stated that as of the regular hearing, claimant knew there was an issue of his entitlement to temporary total disability benefits. The ALJ found there was no just cause for re-opening the record, and claimant's motion was denied.¹⁶

Claimant then filed a motion to reconsider the ALJ's Order. The ALJ was unsure if he had jurisdiction to entertain such a motion,¹⁷ but he allowed the parties to argue their positions on the motion. Claimant's attorney argued that his client was prejudiced when respondent was allowed to change its position regarding temporary total disability benefits at the regular hearing. He said he then relied on respondent taking Dr. De Carvalho's deposition and planned to enter evidence of claimant's temporary total disability at that time. His office personnel did not know the importance of Dr. De Carvalho's deposition and when it was cancelled, he was not told, although it was taken off his calendar. When claimant's attorney realized that Dr. De Carvalho's deposition had been cancelled, he sent an agreed order to respondent's attorney allowing the terminal dates to be extended.¹⁸ He heard nothing back, so both he and his legal assistant called respondent's attorney's office. He then filed his original motion to extend terminal dates. Claimant's attorney argued that this issue was significant enough to delay litigation because of the monetary amount involved. Claimant's attorney asked the ALJ to reverse his order denying claimant an extension of his terminal date or, in the alternative, withdraw its order allowing respondent to raise the issue of overpayment of temporary total disability benefits.

Respondent's attorney argued there was no good cause to extend terminal dates. He asserted there was no statute indicating stipulations at a prehearing settlement conference are binding, and when he noticed the issue with temporary total disability benefits he gave claimant notice of the same at the regular hearing. Respondent said Dr. De Carvalho's deposition was cancelled on August 16, 2010, giving claimant plenty of time to have scheduled Dr. De Carvalho's deposition or apply for an extension before the expiration of his terminal date. Respondent's attorney also contended that his office was not contacted regarding an extension of terminal dates until after respondent's terminal date had expired.

After arguments by the parties, the ALJ asked claimant's attorney:

What about Dr. Miller? All I've heard about was Dr. De Carvalho, and Dr. Miller wasn't noticed anywhere, wasn't mentioned anywhere. . . . Nothing you told me gives any justification to enlarging your terminal dates as to take Dr. Miller.

¹⁶ ALJ Order (Nov. 18, 2010).

¹⁷ Motion Hearing (Dec. 14, 2010) at 31.

¹⁸ Claimant's attorney was not sure when the agreed order was sent and when he attempted to contact respondent's attorney. At one time he stated it was after the expiration of respondent's terminal date and another time he said it was before the expiration of respondent's terminal date.

[by Claimant's attorney]: All we'd like to do is take Dr. De Carvalho January 7th, Your Honor. If nothing else, proffer it in.¹⁹

The ALJ entered his order, which held:

Claimant may proceed with the taking of Dr. De Carvalho's deposition on January 7, 2011. The transcript will be included in the record as a proffer. The issue of whether the Court may consider the deposition will be preserved for appeal.²⁰

Claimant took the depositions of Dr. De Carvalho and Dr. Miller as proffers. The ALJ did not consider either deposition as being part of the record.

PRINCIPLES OF LAW

K.S.A. 2010 Supp. 44-501(a) states in part: "In proceedings under the workers compensation act, the burden of proof shall be on the claimant to establish the claimant's right to an award of compensation and to prove the various conditions on which the claimant's right depends." K.S.A. 2010 Supp. 44-508(g) defines burden of proof as follows: "Burden of proof means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record."

K.S.A. 2010 Supp. 44-510c(b)(2) states:

Temporary total disability exists when the employee, on account of the injury, has been rendered completely and temporarily incapable of engaging in any type of substantial and gainful employment. A release issued by a health care provider with temporary medical limitations for an employee may or may not be determinative of the employee's actual ability to be engaged in any type of substantial and gainful employment, except that temporary total disability compensation shall not be awarded unless the opinion of the authorized treating health care provider is shown to be based on an assessment of the employee's actual job duties with the employer, with or without accommodation.

K.S.A. 44-510d(a) states in part:

(a) Where disability, partial in character but permanent in quality, results from the injury, the injured employee shall be entitled to the compensation provided in K.S.A. 44-510h and 44-510i and amendments thereto, but shall not be entitled to any other or further compensation for or during the first week following the injury

¹⁹ Motion Hearing Trans. (Dec. 14, 2010) at 31-32.

²⁰ ALJ Order (Dec. 14, 2010).

unless such disability exists for three consecutive weeks, in which event compensation shall be paid for the first week. Thereafter compensation shall be paid for temporary total loss of use and as provided in the following schedule, 66 2/3% of the average gross weekly wages to be computed as provided in K.S.A. 44-511 and amendments thereto, except that in no case shall the weekly compensation be more than the maximum as provided for in K.S.A. 44-510c and amendments thereto. If there is an award of permanent disability as a result of the injury there shall be a presumption that disability existed immediately after the injury and compensation is to be paid for not to exceed the number of weeks allowed in the following schedule:

-
- (15) For the loss of a lower leg, 190 weeks.
- (16) For the loss of a leg, 200 weeks.

.....

(23) Loss of a scheduled member shall be based upon permanent impairment of function to the scheduled member as determined using the fourth edition of the American Medical Association Guides to the Evaluation of Permanent Impairment, if the impairment is contained therein.

K.S.A. 2010 Supp. 44-523(a) and (b) states:

(a) The director, administrative law judge or board shall not be bound by technical rules of procedure, but shall give the parties reasonable opportunity to be heard and to present evidence, insure the employee and the employer an expeditious hearing and act reasonably without partiality.

(b) Whenever a party files an application for hearing pursuant to K.S.A. 44-534 and amendments thereto, the matter shall be assigned to an administrative law judge for hearing and the administrative law judge shall set a terminal date to require the claimant to submit all evidence in support of the claimant's claim no later than 30 days after the first full hearing before the administrative law judge and to require the respondent to submit all evidence in support of the respondent's position no later than 30 days thereafter. An extension of the foregoing time limits shall be granted if all parties agree. An extension of the foregoing time limits may also be granted:

- (1) If the employee is being paid temporary or permanent total disability compensation;
- (2) for medical examination of the claimant if the party requesting the extension explains in writing to the administrative law judge facts showing that the party made a diligent effort but was unable to have a medical examination conducted prior to the submission of the case by the claimant but then only if the examination appointment was set and notice of the appointment sent prior to submission by the claimant; or
- (3) on application for good cause shown.

K.S.A. 2010 Supp. 44-555c(a) states in part:

There is hereby established the workers compensation board. The board shall have exclusive jurisdiction to review all decisions, findings, orders and awards of compensation of administrative law judges under the workers compensation act. The review by the board shall be upon questions of law and fact as presented and shown by a transcript of the evidence and the proceedings as presented, had and introduced before the administrative law judge.

ANALYSIS

The Board agrees with and adopts the findings and conclusions of the ALJ. The Board may only consider the record considered by the ALJ. Although claimant chose to take the depositions of Drs. De Carvalho and Miller after his terminal date, the ALJ did not consider that testimony. Those depositions are not a part of the record considered by the ALJ and are not a part of the record on appeal to the Board. The ALJ denied claimant's request to reopen the record. The grounds for such a request are set forth in K.S.A. 2010 Supp. 44-523. Claimant contends there exists good cause for an extension of his time limits. The ALJ was not persuaded by claimant's arguments, and neither is the Board. Claimant was aware of the need for the testimony of Drs. De Carvalho and Miller at the time of the regular hearing when terminal dates were set. Claimant chose not to schedule the deposition of either expert. Although respondent had expressed an intent to take the deposition of Dr. De Carvalho, it was under no obligation to do so. Moreover, claimant's counsel was advised of the cancellation of that deposition shortly after the regular hearing and well before the expiration of claimant's terminal date. Even if counsel was unaware of the cancellation until shortly before the date respondent had originally scheduled for the deposition of Dr. De Carvalho, it was not until much later, after respondent's terminal date had expired, before claimant filed his request for an extension of his terminal date. As for the testimony of Dr. Miller, there is no explanation for why his deposition was not scheduled before the expiration of claimant's terminal date. Given the record as it currently exists, the findings and conclusions of the ALJ are affirmed.

CONCLUSION

(1) The ALJ did not err in finding that claimant failed to show just cause for extending his terminal date.

(2) The transcripts of the depositions of Drs. De Carvalho and Miller should not be included in the record of this case. Accordingly, a remand is unnecessary.

(3) The evidence fails to prove that claimant's treatment with Dr. Miller was reasonable and necessary to cure the effects of claimant's work-related injuries.

(4) Claimant has failed to prove that he was temporarily and totally disabled and entitled to compensation for the periods in dispute.

(5) Claimant sustained a 2 percent permanent partial disability to his left leg in Docket No. 1,049,049.

(6) Claimant sustained a 10 percent permanent partial disability to his right lower leg in Docket No. 1,049,050.

AWARD

WHEREFORE, it is the finding, decision and order of the Board that the Award of Administrative Law Judge Bruce E. Moore dated March 16, 2011, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of July, 2011.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Scott J. Mann, Attorney for Claimant
John David Jurcyk, Attorney for Respondent and its Insurance Carrier
Bruce E. Moore, Administrative Law Judge