

ISSUES

As a result of the hearing held on November 17, 1993, the Administrative Law Judge granted claimant's request to close the record and denied respondent's request to extend its terminal date. The respondent and state self insurance fund appeal the Administrative Law Judge's Order and contend the Administrative Law Judge erred in denying their request. This is the issue now before the Appeals Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire record, the Appeals Board finds:

(1) The Administrative Law Judge, in his order of February 22, 1994, has explicitly set forth the facts pertaining to this matter. A recitation of those facts is unnecessary for purposes of this Order.

(2) The Appeals Board finds, after examining both K.S.A. 44-551 and K.S.A. 44-534a, that the subject order is not a final order that can be reviewed by the Appeals Board pursuant to K.S.A. 44-551 nor does it raise a jurisdictional issue that can be reviewed pursuant to K.S.A. 44-534a. This order is simply a procedural ruling that the Administrative Law Judge has the authority to make during the trial of a workers compensation case. The Appeals Board finds it does not have jurisdiction to review such a procedural ruling until such time it is included in the final award of the Administrative Law Judge, whereupon the Appeals Board would have jurisdiction pursuant to K.S.A. 44-551(b)(1).

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Alvin E. Witwer, dated February 22, 1994, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of May, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Samuel J. Wells, 880 New Brotherhood Bldg., 753 State Av., Kansas City, KS 66101
J. Paul Maurin, III, PO Box 1216, Kansas City, KS 66117
Alvin E. Witwer, Administrative Law Judge
George Gomez, Director