

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

<b>ARMANDO CHAVEZ</b>	)	
Claimant	)	
VS.	)	
	)	
<b>HYPLAINS DRESSED BEEF, INC.</b>	)	Docket Nos. 150,648
Respondent	)	and 173,609
AND	)	
	)	
<b>HOME INSURANCE</b>	)	
Insurance Carrier	)	

**ORDER**

On July 26, 1995, the application of claimant for review by the Workers Compensation Appeals Board of an award entered by Administrative Law Judge Thomas F. Richardson on December 19, 1994, came regularly on for oral argument by telephone conference.

**APPEARANCES**

Claimant appeared by and through his attorney Seth G. Valerius of Topeka, Kansas. The respondent and insurance carrier appeared by and through their attorney David Rebein of Dodge City, Kansas. There were no other appearances.

**RECORD**

The record as specifically set forth in the Award of the Administrative Law Judge is herein adopted by the Appeals Board.

**STIPULATIONS**

The stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

**ISSUES**

What is the nature and extent of claimant's injury and/or disability?

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the whole evidentiary record filed herein, and in addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Administrative Law Judge, in his Award of December 19, 1994, has accurately and clearly set out the applicable findings of fact and conclusions of law appropriate in this matter. As such, the Appeals Board, in adopting said Award in toto, deems it unnecessary to recite said findings and conclusions herein.

The Administrative Law Judge in awarding claimant a twelve percent (12%) permanent partial general disability has clearly set out the logic supporting said Award. The Appeals Board finds the preponderance of the credible evidence in the matter supports an award to claimant of a twelve percent (12%) permanent partial general disability.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Thomas F. Richardson dated December 19, 1994, shall be and is affirmed in all respects.

Claimant's contract of employment with his attorney is approved subject to the provisions of K.S.A. 44-536.

Fees and expenses of the administration of the Workers Compensation Act are hereby assessed against the respondent and its insurance carrier to be paid as follows:

Underwood & Shane	
Preliminary Hearing	\$154.10
Underwood & Shane	
Preliminary Hearing	\$ 21.80

Underwood & Shane	
Transcript of proceedings	\$ 22.60
Tri State Reporting	
Preliminary Hearing	\$206.70
Susan Maier	
Regular Hearing	\$ 69.90
Don K. Smith & Associates	
Deposition of Mr. Molski	\$217.00
Owens, Brake & Associates	
Deposition of Teresa Torrez	\$ 98.27
Owens, Brake & Associates	
Deposition of Armando Chavez	\$206.26
Owens, Brake & Associates	
Deposition of Dr. Brown	\$204.37
Underwood & Shane	
Deposition of Rhonda Sallee	\$205.50
Lori Porter	
Deposition of Dr. Harder	Unknown

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of August, 1995.

\_\_\_\_\_  
BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

- c: Seth G. Valerius, Topeka, Kansas
- David Rebein, Dodge City, Kansas
- Thomas F. Richardson, Administrative Law Judge
- David A. Shufelt, Acting Director