

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

KARLA D. ALBERTY
Claimant

VS.

EXCEL CORPORATION
Respondent
Self-Insured

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Docket No. 175,246

ORDER

The Court of Appeals found the appropriate date of accident for claimant's repetitive use injuries was March 31, 1992, and remanded the proceeding to the Appeals Board with directions to enter an award for an 8.5 percent permanent partial general disability as provided by K.S.A. 1992 [sic] Supp. 44-510e(a).

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated May 7, 1996, entered by Administrative Law Judge Jon L. Frobish and the Appeals Board decision dated October 31, 1996, should be, and hereby are, modified to designate March 31, 1992, as the appropriate date of accident for the period of injury addressed in this proceeding.

WHEREFORE, AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Karla D. Alberty, and against the respondent, Excel Corporation, a qualified self-insured, for an accidental injury which occurred March 31, 1992, and based upon an average weekly wage of \$432.10 for 415 weeks of permanent partial disability compensation at the rate of \$24.49 per week for an 8.5% permanent partial general disability, making a total award of \$10,163.35.

As of June 26, 1998, there is due and owing claimant 325.43 weeks of permanent partial disability compensation at the rate of \$24.49 per week in the sum of \$7,969.78, which is ordered paid in one lump sum less any amounts previously paid. The remaining balance of \$2,193.57 is to be paid for 89.57 weeks at the rate of \$24.49 per week, until fully paid or further order of the Director.

IT IS SO ORDERED.

Dated this ____ day of June 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Chris A. Clements, Wichita, KS
D. Shane Bangerter, Dodge City, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director