

The Special Administrative Law Judge awarded claimant permanent partial disability benefits for a two and one-half percent (2.5%) functional impairment to the body. The respondent and insurance carrier requested this review and raised the following issues:

- (1) Whether claimant sustained personal injury by accident arising out of and in the course of his employment with the respondent.
- (2) The nature and extent of disability, if any.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

For the reasons expressed below, the findings and Award of the Special Administrative Law Judge should be affirmed.

The Appeals Board hereby adopts the findings and analysis of the Special Administrative Law Judge pertaining to both issues of (1) whether claimant sustained personal injury by accident arising out of and in the course of his employment with the respondent and (2) the nature and extent of claimant's disability. The Appeals Board finds claimant did sustain a compensable, work-related accident and injury on or about June 1, 1992, when he fell from a work dolly, landed on his buttocks and injured his tailbone. Claimant immediately reported the incident to respondent and sought medical treatment.

The Special Administrative Law Judge properly noted there was a difference of opinion regarding the issue whether claimant had sustained a permanent injury and functional impairment as a result of his work-related accident. One of claimant's treating physicians, board certified orthopedic surgeon Bradley W. Bruner, M.D., testified that claimant sustained a five percent (5%) permanent partial functional impairment to the body as a whole as a result of this injury. On the other hand, the medical records from Ernest R. Schlachter, M.D., indicate that he believes claimant suffered no impairment of function as a result of the tailbone injury. Based upon the evidence of claimant's ongoing symptomatology and Dr. Bruner's opinion that the claimant will continue indefinitely to experience pain in the area of the tailbone, the Appeals Board adopts the conclusion of the Special Administrative Law Judge that claimant has sustained a two and one-half percent (2.5%) permanent partial impairment of function to the body as a whole and is entitled to receive permanent partial disability benefits for that impairment.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of the Special Administrative Law Judge William F. Morrissey entered in this proceeding on March 7, 1995, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Chris A.Clements, Wichita, Kansas
Eric K. Kuhn, Wichita, Kansas
William F. Morrissey, Special Administrative Law Judge
Philip S. Harness, Director