

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

GERRY M. KRAUSSE
Claimant

VS.

COUNTY OF SEDGWICK
Respondent
Self-Insured

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Docket No. 181,594

ORDER

The respondent requests review of the Award dated February 5, 1996 and the related Award Nunc Pro Tunc entered by Administrative Law Judge Shannon S. Krysl. The Appeals Board heard oral argument June 6, 1996.

APPEARANCES

Claimant appeared by her attorney, Robert R. Lee of Wichita, Kansas. The respondent appeared by its attorney, E. L. Lee Kinch of Wichita, Kansas.

RECORD & STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

ISSUES

The Administrative Law Judge awarded claimant permanent partial disability benefits based upon a 10 percent whole body functional impairment rating. Respondent asks the Appeals Board to review that finding. Nature and extent of disability is the sole issue on this review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds:

The Award and Award Nunc Pro Tunc entered by the Administrative Law Judge should be affirmed.

The Appeals Board adopts the findings and conclusions of the Administrative Law Judge and also finds that claimant is entitled to receive permanent partial disability benefits based upon a 10 percent whole body functional impairment.

During oral argument to the Appeals Board, respondent for the first time raised K.S.A. 19925 Supp. 44-501(c) as a defense and argues that claimant is entitled to receive medical compensation only because her injury did not prevent her from earning full wages for at least one week. Because this issue was not raised before the Administrative Law Judge, the Appeals Board will not consider it for the first time on review. As provided by K.S.A. 44-555b(c), Appeals Board review is limited to questions of law and fact presented to the Administrative Law Judge.

AWARD

WHEREFORE, it is the finding, decision and order of the Appeals Board that both the Award dated February 5, 1996 and the Award Nunc Pro Tunc entered by Administrative Law Judge Shannon S. Krysl should be, and hereby are, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Robert R. Lee, Wichita, Kansas
- E. L. Lee Kinch, Wichita, Kansas
- Shannon S. Krysl, Administrative Law Judge
- Philip S. Harness, Director