



Pursuant to K.S.A. 44-501, the claimant has the burden of proof to establish claimant's right to an award of compensation and to prove the various conditions on which the claimant's right depends. K.S.A. 44-508g defines the burden of proof as the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record.

K.S.A. 44-520a requires a written claim for compensation be served upon the employer within two-hundred (200) days from the date of the accident or two-hundred (200) days from the last date of payment of any compensation. There are no facts or evidence to establish that written claim was ever made by the claimant prior to July 8, 1994. Therefore, since claimant has not provided evidence of filing of timely written claim for compensation, the claimant has not met her burden of proof and the denial of benefits by Administrative Law Judge Richardson was appropriate.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Thomas F. Richardson, dated October 18, 1994, shall be, and hereby is, affirmed in all respects.

**IT IS SO ORDERED.**

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

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BOARD MEMBER PRO TEM

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BOARD MEMBER

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BOARD MEMBER

- c: Anita Sanchez, Lakin, KS
- Pamela L. Falk, Emporia, KS
- Thomas F. Richardson, Administrative Law Judge
- George Gomez, Director