

The evidence indicates claimant suffered an aggravation of a preexisting condition while performing repetitive lifting in the thirty (30) to forty (40) pound range with respondent. The medical reports of Dr. Williamson, while claiming the current problem is the result of residual problems lingering from the previous injury, rather than a new injury with respondent, appears to be based upon inaccurate information provided by respondent's supervisor. Apparently Dr. Williamson was proceeding under the assumption claimant had handled only weights in the ten (10) pound range on a regular basis. Claimant clearly testified that while handling weights in the ten (10) pound range she experienced no difficulty. It was only when the job modification required she handle weights in the thirty (30) to forty (40) pound range that the difficulties began. As such, it would appear as though the opinion of Dr. Williamson regarding causation is clouded and the Appeals Board finds this opinion to be untrustworthy due to the inaccurate information provided to the doctor.

As such, the Appeals Board finds that claimant did suffer personal injury by accident arising out of and in the course of her employment with respondent on the dates alleged and is entitled to the benefits ordered by the Administrative Law Judge.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Steven J. Howard dated May 9, 1995, shall be and is affirmed.

IT IS SO ORDERED.

Dated this ____ day of August, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: William W. Hutton, II, Kansas City, Kansas
Kenneth J. Hursh, Overland Park, Kansas
Steven J. Howard, Administrative Law Judge
David A. Shufelt, Acting Director