

Respondent appears to admit that claimant met with personal injury by accident on April 4, 1995 and that such accident arose out of and in the course of his employment with respondent. However, respondent denies that claimant's injury is of a nature nor to the extent alleged. Respondent's defense may be characterized as based on causation and not compensability; that is, respondent denies that claimant's present complaints are due to his work-related accident. This can be a jurisdictional issue to the extent it constitutes a denial of injury arising out of and in the course of employment. However respondent also contends claimant is capable of working and is not in need of medical treatment as a result of his work-related accident. It is alleged that all medical treatment claimant has received was either unrelated to claimant's injury of April 4, 1995 or was unnecessary. Thus, respondent's position is that claimant is not entitled to temporary total disability compensation nor medical treatment and that the Administrative Law Judge's denial of these benefits may have been based on a finding which is not one of those issues enumerated in K.S.A. 44-534a as appealable from a preliminary order.

In the Preliminary Hearing Order now before us, the Administrative Law Judge held:

"Temporary Total Compensation is herein denied.

"Medical treatment is also denied.

"The above findings are hereby made the orders, decrees, and rulings of the Court."

The Appeals Board recognizes the Workers Compensation Act does not specifically require the administrative law judges to provide a statement of the basis for their denial of benefits. However, when benefits are denied and the denial may have been based upon a finding not subject to review, the Appeals Board cannot perform its obligations under the Act without an indication by the judges as to the basis for their decision. In the absence of such indication, the Appeals Board has no alternative but to remand the proceeding to the administrative law judge to add to the order a brief sentence or statement of the basis for denial of benefits.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this proceeding should be, and hereby is, remanded to the Administrative Law Judge for specific findings and with instructions to state the reason or reasons for the denial of claimant's request for benefits. The Appeals Board does not retain jurisdiction over this proceeding.

IT IS SO ORDERED.

Dated this ____ day of November 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Aldo P. Caller, Kansas City, MO
John D. Jurcyk, Lenexa, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director