

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

**SHARON K. TAYLOR**  
Claimant

VS.

**THE BOEING COMPANY - WICHITA**  
Respondent

AND

**AMERICAN MANUFACTURERS MUTUAL INS. CO.**  
Insurance Carrier

AND

**KANSAS WORKERS COMPENSATION FUND**

Docket No. 202,843

**ORDER**

Respondent appeals from a Preliminary Hearing Order entered by Administrative Law Judge John D. Clark on August 29, 1995.

**ISSUES**

The sole issue to be considered on appeal is whether claimant has established by a preponderance of the credible evidence that she suffered an accidental injury arising out of and in the course of her employment.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments of the parties, the Appeals Board finds and concludes:

(1) The decision by the Administrative Law Judge that claimant has sustained an injury arising out of and in the course of her employment is one subject to review on appeal from a preliminary order. K.S.A. 44-534a.

(2) The Appeals Board finds that claimant has established accidental injury arising out of and in the course of her employment and the decision of the Administrative Law Judge should be affirmed. Claimant testified that she injured her low back on May 9, 1995, while pulling a block on a forklift. She informed her supervisor of her injury on the same day and her supervisor advised her if she needed to go to Central Medical she should do so. She testified, however, that she hoped her injury would resolve itself and she continued to work for approximately a week and one-half. She, thereafter, went on a four (4) day trip to

Texas. Upon returning, she advised that the travel had caused her back to stiffen. After her trip, she experienced increased pain and numbness in her feet bilaterally.

The respondent argues, on the basis of the above summarized evidence, that claimant's injury occurred on her trip to Texas, not on May 9, 1995 at work.

The Appeals Board agrees with the decision to award benefits in this case. From the evidence presented at the preliminary hearing, it appears claimant suffered an accidental injury at work on May 9, 1995. Without separate injury the symptoms, thereafter, increased to the point she sought medical attention.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge John D. Clark, dated August 29, 1995, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

- c: Garry Howard, Wichita, Kansas
- Eric K. Kuhn, Wichita, Kansas
- E. L. Kinch, Wichita, Kansas
- John D. Clark, Administrative Law Judge
- Philip S. Harness, Director