



made; and (4) whether certain defenses apply. The issue raised by claimant does not fall within one of those four listed categories. Therefore, K.S.A. 1996 Supp. 44-534a does not empower the Appeals Board with jurisdiction to hear this appeal at this stage of the proceeding.

K.S.A. 1996 Supp. 44-551(b)(2)(A) confers jurisdiction upon the Appeals Board to review an appeal from a preliminary hearing order entered pursuant to K.S.A. 1996 Supp. 44-534a where it is alleged the administrative law judge exceeded his or her jurisdiction in making such order. An administrative law judge has the authority at preliminary hearing to grant or deny an award of temporary partial disability benefits. Therefore, K.S.A. 1996 Supp. 44-551(b)(2)(A) does not grant the Appeals Board jurisdiction at this juncture of the proceeding to review and reweigh the evidence concerning claimant's entitlement to temporary partial disability benefits.

The claimant may preserve the issue for final award as provided by K.S.A. 1996 Supp. 44-534a(a)(2). That statute provides in pertinent part:

"Except as provided in this section, no such preliminary findings or preliminary awards shall be appealable by any party to the proceedings, and the same shall not be binding in a full hearing on the claim, but shall be subject to a full presentation of the facts."

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that it does not have jurisdiction to review at this juncture of the proceedings the Preliminary Decision order dated March 27, 1997, entered by Administrative Law Judge Robert H. Foerschler and that this review should be, and hereby is, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 1997.

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BOARD MEMBER

c: C. Albert Herdoiza, Kansas City, KS  
David J. Bogdan, Overland Park, KS  
Robert H. Foerschler, Administrative Law Judge  
Philip S. Harness, Director