



he did not return to Dr. Patel as he voluntarily quit his employment with the respondent in April 1994.

On June 5, 1995, claimant delivered a note to the respondent, which was introduced in evidence at the preliminary hearing, that requested lost W-2 Forms and medical treatment for his hand. Respondent argues that this is the first time that a written claim for compensation was served on the respondent. Respondent asserts that since this was the first time a written claim was served on the respondent and the claimant had not worked for the respondent for over one year, that a written claim was not timely served.

K.S.A. 44-520a requires an employee to serve upon an employer a written claim for compensation within two hundred (200) days after the date of accident or in cases where compensation payments have been suspended within two hundred (200) days after the day of the last payment of compensation. If the employer fails to file an accident report with the Director after the injured employee has given notice of such accident, then the two hundred (200) day time limit to serve a written claim is extended to one year from the date of such accident, suspension of the payment of the disability compensation or the date of the last medical treatment authorized by employer. See K.S.A. 44-557(c).

In the instant case, there is no evidence of whether or not the employer filed an accident report with the Director and, therefore, we assume for purposes of this decision that the claimant had one year from the date of accident to file a written claim for compensation. The claimant contends that the light-duty work slip that he testified he gave to the respondent was a written claim for workers compensation benefits. The Appeals Board finds, based on the particular facts of this case, that a written slip from a physician stating that claimant was returned to light-duty work does not constitute a written claim for workers compensation benefits. The first written claim for benefits that claimant served on the respondent was served more than one year after the claimant last worked for the respondent. Accordingly, claimant's request for medical treatment is denied on the basis that he did not serve a timely written claim on the respondent as required by K.S.A. 44-520a.

**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 November 28, 1995, should be, and the same is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of January 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

**TROY SEARS**

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**DOCKET NO. 205,024**

c: Joseph Seiwert, Wichita, Kansas  
Edward D. Heath, Jr., Wichita, Kansas  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director