

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

**DANA J. WHITE**

Claimant

VS.

**KLEPPER OIL**

Respondent

AND

**FARMLAND INSURANCE COMPANY**

Insurance Carrier

AND

**KANSAS WORKERS COMPENSATION FUND**



Docket No. 205,485

**ORDER**

Respondent appeals from the preliminary hearing Order entered by Administrative Law Judge John D. Clark dated February 14, 1996 granting claimant's request for medical treatment.

**ISSUES**

- (1) Whether claimant has established accidental injury arising out of and in the course of her employment with respondent.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments of the parties, the Appeals Board finds and concludes that claimant has failed to produce evidence which establishes more probably than not that she suffered accidental injury arising out of and in the course of her employment with respondent.

Claimant alleged and testified that she injured her knee from an accidental injury occurring on February 23, 1995 while taking trash out for respondent. She alleged she later developed low back pain. According to claimant, she called a coworker later that same day and asked him to come in early to relieve her. He came in early and she left early. She also testified she reported her knee injury to Jacena Arnett.

Claimant's version of the event is contradicted by several factors in this case. Jacena Arnett denies claimant ever advised her of any injury. The coworker, who claimant says came in early to help her, does testify on her behalf and in support of her claim. This testimony is, however, substantially weakened by the fact that both his time records and

hers directly contradict the testimony. The time records produced from a time clock do not show any day on or about the alleged date of accident when claimant left early or the other coworker, Albert Heslop, came in early. In addition, the record reflects he was a friend of claimant's husband who had been hired by the claimant. The record also establishes that claimant did not pursue her claim until after she had been terminated from her employment with respondent. The contradiction in the time records is left unexplained by the claimant. This fact, coupled with the direct contradictory testimony by Jacena Arnett, convinces the Appeals Board that claimant has failed to meet her burden of proof in this case and the Order granting benefits should be reversed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark dated February 14, 1996 should be, and the same is hereby, reversed.

**IT IS SO ORDERED.**

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

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

- c: David H. Farris, Wichita, KS
- Frederick L. Haag, Wichita, KS
- Orvel B. Mason, Arkansas City, KS
- John D. Clark, Administrative Law Judge
- Philip S. Harness, Director