

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

RAYMOND BOWLIN
Claimant

VS.

FRITO-LAY, INC.
Respondent

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Docket No. 210,097

ORDER

The respondent requested review of the Order for Medical Treatment and Nunc Pro Tunc Order for Medical Treatment entered by Administrative Law Judge Floyd V. Palmer dated April 17, 1996 and April 26, 1996, respectively.

ISSUES

The Administrative Law Judge ordered the respondent to provide claimant compensation and medical treatment for injuries to both knees to and his back. The Administrative Law Judge found that claimant's left knee and back symptoms naturally developed as a result of the initial right knee injury. The respondent disputes that finding. Therefore, the issue now before the Appeals Board is whether claimant has sustained accidental injury to his left knee and back for which he is entitled workers compensation benefits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for purposes of preliminary hearing the Appeals Board finds:

The preliminary hearing Orders of the Administrative Law Judge should be affirmed.

The Appeals Board agrees with the analysis of the Administrative Law Judge and his conclusion that claimant's left knee and back symptoms are the direct and natural result of the initial right knee injury sustained by claimant on November 23, 1994. This conclusion is supported by claimant's testimony that he began experiencing left knee and back symptoms during the summer following his accident and his description of how those symptoms progressed for example during therapy for the right knee, claimant's back was x-rayed and during the summer of 1995 claimant sometimes iced his left knee due to the symptoms he was experiencing. This evidence ongoing symptoms and increasing problems due to over compensating for the injury right leg because of his limp.

The Administrative Law Judge believed claimant's testimony. Because the Administrative Law Judge had the enviable and unique opportunity to observe claimant testify and assess his demeanor, in this instance the Appeals Board gives some deference to the Judge's opinion concerning claimant's credibility. Based upon the evidence presented to date, for purposes of preliminary hearing the Appeals Board finds that claimant has proven that his left knee and back symptoms are directly related to the initial work-related accident involving the right knee and claimant is therefore entitled to workers compensation benefits for injury to those parts of the body.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Orders entered by Administrative Law Judge Floyd V. Palmer dated April 17, 1996 and April 26, 1996, should be, and hereby are, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1996.

BOARD MEMBER

c: George H. Pearson, Topeka, KS
Mark E. Kolich, Kansas City, KS
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director