

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

LINDA D. PADGETT

Claimant

VS.

BEECH AIRCRAFT CORPORATION

Respondent

Self-Insured

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Docket No. 214,129

ORDER

Respondent appeals from the preliminary hearing Order entered by Administrative Law Judge John D. Clark on September 17, 1996.

ISSUES

Respondent challenges findings by the Administrative Law Judge that claimant's injury arose out of and in the course of her employment and that the claimant gave adequate notice.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record, the Appeals Board concludes claimant did give notice sufficient to satisfy K.S.A. 44-520a and the Order by the Administrative Law Judge should be affirmed.

Claimant asserts that she suffered a low-back injury from repetitive lifting activities in the course of her employment with respondent. She testified that low-back symptoms began sometime in April and worsened to a point that on May 2, 1996, she notified her supervisor that she was having back difficulties and needed to see a chiropractor. Respondent argues that the notice was not sufficient because claimant did not specifically state she had a work-related injury or claim benefits until sometime in July 1996.

The Appeals Board concludes, however, that even though claimant did not specifically advise respondent the symptoms were from an accident, the complaints of back pain were, in context, notice that the work was causing symptoms. This was notice of accident in the only sense there had been an accident. The Board, therefore, finds the notice adequate and affirms the Administrative Law Judge.

WHEREFORE, the Appeals Board concludes with the findings of Administrative Law Judge John D. Clark dated September 17, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of February 1997.

BOARD MEMBER

c: Paul V. Dugan, Jr., Wichita, KS
David S. Wooding, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director