

(4) Ms. Gillen testified that claimant reported her back began hurting when she stood up from a chair. Ms. Gillen understood that claimant had injured her back when she was a teenager and believed her back pain was related to preexisting back problems. Ms. Gillen offered to call claimant's personal doctor to schedule an appointment.

CONCLUSIONS OF LAW

(1) The Workers Compensation Act is to be liberally construed to bring employers and employees within its provisions and protections. K.S.A. 1996 Supp. 44-501(g).

(2) Workers compensation statutes are to be liberally construed to effect legislative intent and award compensation to a worker where it is reasonably possible to do so. Kinder v. Murray & Sons Construction Co., Inc., Docket No. 76,296 (Kan. 1998).

(3) Injured workers are required to notify their employers of an accidental injury within ten days of its occurrence. K.S.A. 44-520.

(4) The information reported must be sufficient to place a reasonable person on notice that a work-related injury or an aggravation of a preexisting condition has occurred.

(5) Claimant's supervisor admits she was immediately notified that claimant had aggravated her back while at work. Although neither claimant nor respondent may have realized an aggravation of a preexisting condition could be considered a work-related accident, the fact remains claimant notified her supervisor of a work-related incident that had either aggravated or caused claimant to experience back pain. Therefore, claimant satisfied the notice requirements of K.S.A. 44-520.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the finding that claimant failed to give timely notice of accidental injury set forth in the preliminary hearing Order dated March 10, 1998, is reversed.

IT IS SO ORDERED.

Dated this ____ day of May 1998.

BOARD MEMBER

c: Stanley R. Ausemus, Emporia, KS
Randall D. Grisell, Garden City, KS
David A. Shufelt, Assistant Director
Philip S. Harness, Director