

injury caused by a sneeze alone would not be a compensable injury. The circumstances or requirements of the work must also contribute. Claimant has not proven that the work contributed. The initial jar to claimant's back was work related, but the evidence does not establish claimant was injured by this event. The evidence does not adequately establish a connection between the jar to claimant when one of the metal plates caught an arc and the injury at the time claimant sneezed. The evidence also does not establish that the work claimant was doing at the time he sneezed contributed to the injury. The record does not include any physician's opinion on causation.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on December 9, 1999, should be, and the same is hereby, reversed. Claimant's application for preliminary benefits is denied.

IT IS SO ORDERED.

Dated this ____ day of February 2000.

BOARD MEMBER

c: John R. Kurth, Atchison, KS
Wade A. Dorothy, Lenexa, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director