

The ALJ had the opportunity to observe both witnesses testify and concluded claimant did not give notice. The Board generally gives some deference to the ALJ's evaluation of the credibility of witnesses who testify before the ALJ. The ALJ accepted Mr. Preeo's version of the events. Giving deference to the ALJ's opportunity to observe the witnesses, the Board affirms the ALJ's finding that claimant did not give notice.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Brad E. Avery on February 22, 2000, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 2000.

BOARD MEMBER

c: Derek R. Chappell, Ottawa, KS
Michelle Daum Haskins, Kansas City, MO
Brad E. Avery, Administrative Law Judge
Philip S. Harness, Director