

time of a right upper extremity injury. Further, two coworkers, Jason Heschke and Charles Campbell, stated that they worked with claimant on the date of accident and even ate lunch with him. At no time on that day did claimant mention having injured himself on the job. Claimant's supervisor, James Sullivan, testified that claimant did his job that day with no indication he had suffered any type of injury.

Finally, Jennifer Alderson, claimant's wife, testified that, on the evening of April 18, 2000, claimant was working on a car at her mother's house. While working on the car, claimant suffered an injury to his right wrist. She stated that, while working on the car, claimant suddenly started yelling and screaming, cussing and swearing, and was grabbing his right wrist. She also said that claimant did not initially want to go to work on April 19, but changed his mind.

It is noted, however, that claimant and Ms. Alderson are currently in the process of getting a divorce and, as claimant's attorney points out, she may not be the most credible of witnesses. However, the overall preponderance of the evidence, including the testimony of claimant's coworkers, supervisor and estranged wife, convince the Board that claimant has failed to prove that he suffered an accidental injury arising out of and in the course of his employment with respondent on April 19, 2000. Therefore, the decision by the Administrative Law Judge, to deny claimant benefits in this case, should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark dated July 7, 2000, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 2000.

BOARD MEMBER

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