

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

LOUIS BLEA)	
Claimant)	
VS.)	
)	Docket No. 261,047
MEC Company)	
Respondent)	
AND)	
)	
TRAVELERS INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Claimant appeals from a preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish on February 18, 2002.

Issues

Claimant contends the Administrative Law Judge (ALJ) erred in denying his claim for additional temporary total disability compensation. The only issue is whether claimant has been temporarily and totally disabled from July 2001, forward. There is no issue concerning the compensability of this claim.

Findings of Fact and Conclusions of Law

After reviewing the record and considering the arguments, the Appeals Board (Board) concludes it does not have jurisdiction at this point in the proceedings to determine the issue raised, and the appeal should be dismissed.

The Board concludes that this appeal does not raise a jurisdictional issue. K.S.A. 44-534a lists jurisdictional issues. Whether claimant is or is not temporarily totally disabled is not one of the issues listed. Where other jurisdictional prerequisites are met, including notice, timely written claim, and accident arising out of and in the course of employment,

the ALJ has jurisdiction to determine whether the claimant is or is not temporarily disabled and whether or not to award temporary total disability compensation. Accordingly, the ALJ's decision is not subject to review at this stage of the proceedings.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of the Order entered by Administrative Law Judge Jon L. Frobish on February 18, 2002, should be, and the same is hereby, dismissed.

IT IS SO ORDERED.

Dated this _____ day of July 2002.

BOARD MEMBER

c: William L. Phalen, Attorney for Claimant
Leigh C. Hudson, Attorney for Respondent and Insurance Carrier
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Workers Compensation Director