

BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD

DANIEL WHITE)	
Claimant)	
)	
V.)	
)	
RGV PIZZA HUT)	AP-00-0442-606
Respondent)	CS-00-0267-536
)	
AND)	
)	
ARGONAUT INSURANCE CO.)	
Insurance Carrier)	

ORDER OF REMAND

This matter is before the Board on remand from the Kansas Court of Appeals from its June 11, 2021, Opinion. The parties waived additional briefing and oral argument. Brian D. Pistotnik appeared for Daniel White. Kip A. Kubin appeared for respondent and its insurance carrier (respondent).

The Administrative Law Judge (ALJ) denied Mr. White’s request for workers compensation benefits, finding respondent was not Mr. White’s statutory employer. The Board reversed the decision of the ALJ in its Order dated November 21, 2019.¹ The Kansas Court of Appeals affirmed the Board, finding respondent was a statutory employer and remanded the matter to the Board for further proceedings.²

In the Award, the ALJ made findings on the issues of injury arising out of and in the course of employment, prevailing factor, notice, employment relationship, nature and extent of disability, average weekly wage, and future medical treatment, the analysis of which is sufficient for the Board to review. The ALJ did not make findings related to the issues of past medical expenses and temporary total disability compensation. The Board does not have jurisdiction to review issues not addressed in the ALJ's Award.³

¹ *White v. RGV Pizza Hut*, No. CS-00-0267-536, 2019 WL 6695512 (Kan. WCAB Nov. 21, 2019).

² *White v. RGV Pizza Hut*, 487 P.3d 383, 2021 WL 2387963 (Kansas Court of Appeals unpublished opinion filed June 11, 2021).

³ See *Jones v. City of Lawrence*, No. 1,079,209, 2017 WL 1825153 (Kan. WCAB Apr. 18, 2017); *Fornes v. Junction City Wire Harness*, No. 1,072,953, 2015 WL 3642466 (Kan. WCAB May 22, 2015).

WHEREFORE, it is the finding, decision and order of the Board the matter be remanded to the ALJ for the purpose of making findings related to Mr. White's requests for payment of past medical expenses and temporary total disability.

IT IS SO ORDERED.

Dated this _____ day of July, 2021.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

copies via OSCAR to:

Brian D. Pistotnik, Attorney for Mr. White

Kip A. Kubin, Attorney for Respondent and its Insurance Carrier

Hon. Ali Marchant, Administrative Law Judge