Commonwealth of Kentucky
Workers' Compensation Board

OPINION ENTERED: May 8, 2015

CLAIM NO. 201191576

AMERICAN WOODMARK CORP. PETITIONER/CROSS-RESPONDENT

VS. **APPEAL FROM HON. CHRIS DAVIS, ADMINISTRATIVE LAW JUDGE**

DANNY MULLINS RESPONDENT/CROSS-PETITIONER
HON. CHRIS DAVIS,
ADMINISTRATIVE LAW JUDGE RESPONDENT

OPINION AND ORDER
AFFIRMING IN PART
VACATING IN PART
AND REMANDING

* * * * * *

BEFORE: ALVEY, Chairman, STIVERS and RECHTER, Members.

RECHTER, Member. American Woodmark, Corp. ("American Woodmark") appeals from the November 18, 2013 Opinion, Award and Order, the December 24, 2013 Order on Reconsideration and the November 17, 2014 Opinion and Order on Remand of Hon. Chris Davis, Administrative Law Judge ("ALJ").

American Woodmark argues the ALJ erred in concluding it untimely filed its Form 111 without good cause. It also argues the evidence does not support the findings of a compensable psychological condition and an intentional safety violation. Danny Mullins ("Mullins") cross-appeals, arguing the ALJ erred in failing to award income and medical benefits for an eye injury and in limiting future medical benefits to his cervical and lumbar spine, facial, and psychological injuries. For the reasons set forth below, we affirm in part, vacate in part and remand.

Mullins was injured on April 5, 2011 when a piece of lumber fell from above the forklift he was operating, striking him in the face. He filed a Form 101 on January 22, 2013 alleging the body parts affected as:

> facial laceration, nose nasal fractures requiring nasal septal surgery, head injury, headaches, forehead, eye, mouth, teeth, neck, middle and lower back, cervical and lumbar strain, numbness in left leg, numbness in both arms, headaches, balance impaired, memory problems and concentration, fatigue, anxiety and depression.

On February 26, 2013, Mullins amended the claim to allege a safety violation. A scheduling order issued on February 20, 2013 set the Benefit Review Conference ("BRC") for June 14, 2013. Pursuant to the scheduling order, American

Woodmark's notice of claim denial or acceptance was due April 6, 2013.

According to representations made in pleadings before the ALJ and this Board, counsel for American Woodmark did not timely receive the scheduling order due to a clerical error on the part of its adjusting firm. As a result, its Form 111 was not filed until May 8, 2013. The Form 111 was not accompanied by a motion for leave to file as untimely, however it was accepted and filed nonetheless.

There is no indication in the record that the timeliness of the Form 111 was raised or discussed at the time of filing. The September 24, 2013 BRC Order does identify the timeliness of the filing of the Form 111 as a contested issue. In its brief to the ALJ, American Woodmark argued it had good cause for the untimely filing of its Form 111.

Mullins testified by deposition on June 17, 2013 and at the hearing held September 24, 2013. Mullins worked as a kiln operator. He used a forklift to move pallets of wood into the kiln. Each pallet had thirty-two layers of wood with 4x4 pieces of lumber placed between the pallets to allow for air flow. There were additional 4x4s on top of each pallet. Prior to his accident, Mullins had expressed concerns with the kiln, including the baffle and

pallet height. He had also warned the openings in the guards on the forklift would allow a board to enter the forklift.

On April 5, 2011, he was moving wood into the kiln when a 4x4 on top of a pallet fell twenty-two feet and went through the guard on the forklift, striking Mullins in the face. As a result of the accident, Mullins continues to have back pain, neck pain, headaches, blurred vision, sensitivity to light, numbness in his left leg, nose bleeds, bowel bleeding, breathing problems, sensitive teeth, balance problems, memory issues, panic attacks and depression.

Chuck Sizemore, who was the plant engineer for American Woodmark at the time of the accident, testified an investigation after the accident was conducted and additional guards were placed on the forklifts. Sizemore was unaware of issues with the height of kiln number 6 or problems with the baffles prior to the injury.

Freeland Patton, Mullins' team leader, testified the pallets of wood had 4x4s on the top that sometimes hit the baffles, causing the 4x4s to fall. The baffle in kiln number 6 had been hit in the past and had broken loose from its hinges several times. It would not go all the way up and had not been fixed properly. During prior safety

meetings, Patton had stated the 4x4s could come through the forklift guard and injure someone. In fact, Patton had experienced 4x4s falling from the top of pallets when he was moving them. He had requested that the pallets be reduced from thirty-two to thirty layers, but his request was not approved.

Larry Hensley, plant manager, testified that following an investigation of the accident, additional guards were placed on the forklifts. He was unaware of any issues with the guards, baffles, or height of the pallets prior to Mullins' injury.

John Spencer, a maintenance technician for American Woodmark at a different location, testified he was aware the 4x4s could come through the guards on the forklifts. He notified the maintenance manager that an injury would occur if the guards were not fixed. No alterations were made until after Mullins' injury. Spencer frequently repaired forklifts damaged by falling boards.

In an undated statement, Anthony Morris indicated he witnessed the accident. Morris stated Mullins was knocked unconscious immediately. Morris also stated the accident could have been prevented with proper safety guards on top of the forklifts.

Records of the Hazard Appalachian Regional Hospital indicate Mullins presented on April 5, 2011 with an open wound to the head and forehead, superficial injury to the cornea, and conjunctival hemorrhage. A CT scan of the head revealed no acute intracranial abnormality. A lumbar CT scan revealed mild levoscoliosis with no acute osseous abnormality. Mullins was diagnosed with corneal abrasion, lacerations to the right forehead, pain in the soft tissue of the face and subconjunctival hemorrhage.

Mullins presented to the emergency room on June 3, 2012 with a headache that began five days earlier and anxiety attacks.

Mullins presented to Mountain After Hours Clinic on April 7, 2011. Examination revealed right eye swelling, multiple lacerations to the right side of his face, cervical spine tenderness, thoracic paraspinal spasms, and lumbar paraspinal spasms. He returned on April 11, 2011 with neck and back pain. Mullins was treated throughout 2011 for complaints of headaches, vomiting, neck pain, mid back pain, and low back pain. On February 24, 2012, he was diagnosed with panic disorder, post-traumatic stress disorder, and hypertension.

Dr. Syamala H.K. Reddy treated Mullins on April 6, 2011. Examination revealed a contusion injury to the

right forehead and right eye, laceration to the right forehead, hematoma of the right upper eyelid, and corneo-scleral laceration. On May 8, 2013, Dr. Reddy assigned a 1% impairment rating pursuant to the American Medical Association, Guides to the Evaluation of Permanent Impairment, 5th Edition ("AMA Guides") for Mullins' "visual system."

Dr. Anbu K. Nadar performed an independent medical examination ("IME") on October 23, 2012. Physical examination revealed tenderness over the forehead, nasal bone, cervical paravertebral muscles, midline and paravertebral muscles, and lumbosacral area paravertebral muscles. Mullins had hypoesthesia over the lateral and plantar aspects of the left foot. Dr. Nadar diagnosed head injury with residual headache; facial injuries; cervical and lumbosacral strains with non-verifiable radiculopathy; anxiety and depression. He assigned a 5% impairment rating for the cervical spine, 5% for the lumbar spine, 3% for post-traumatic headache and chronic pain, and 2% for disfiguring scarring of the face for a combined 15% impairment rating pursuant to the AMA Guides.

Dr. Timothy C. Kriss performed an IME on June 11, 2013. Mullins complained of hand numbness, neck pain, migraine headaches, low back pain, right forehead pain,

nose pain, eye socket pain, and numbness, tingling and pain radiating from the left lumbar sacral junction to the left buttocks and left lower extremity. He also reported right eye dryness, loss of vision, sensitive teeth, breathing difficulty, decreased memory, panic attacks, suicidal ideation, and agoraphobia. Dr. Kriss diagnosed a laceration to the forehead, contusion to the face and forehead, low back strain, neck strain, and post-traumatic migraine headache. He did not believe Mullins sustained a traumatic brain injury. Dr. Kriss felt psychiatric care was necessary, but not related to the work injury. Dr. Kriss assigned a 5% impairment rating for the cervical condition and 5% for the lumbar condition pursuant to the AMA Guides.

Elmer Gabbard, D.M.D. examined Mullins on April 16, 2011 and found fractures of fifteen teeth as a result of the work injury.

Mullins underwent a speech-language evaluation on April 8, 2013 at East Kentucky Therapy Clinic. It was determined Mullins had severe language disorder, likely due to aphasia caused by traumatic brain injury.

Dr. Daniel D. Primm, Jr. performed an IME on November 14, 2012. He diagnosed facial laceration, nasal fracture requiring two nasal septal surgeries, continued

problems with nasal obstruction, cervical strain, lumbar strain, post-traumatic depression and anxiety disorder. Dr. Primm did not believe Mullins was at maximum medical improvement. Nevertheless, Dr. Primm assigned a 5% impairment rating for the cervical condition and 5% for the lumbar condition for a combined 10% impairment rating pursuant to the AMA Guides.

Dr. Robert P. Granacher, Jr. performed a neuropsychiatric examination on November 20, 2012. Mullins reported depression, panic, thoughts of suicide, poor concentration, loss of memory, word-finding difficulty, confusion, hearing voices, flashbacks, anger, arguing, and crying. He also complained of headaches, neck pain, right shoulder and arm pain to his hand, low back pain and left foot pain. Testing revealed a high probability Mullins was intentionally choosing incorrect responses. Psychological testing was distorted due to over-reporting and could not be interpreted. Mullins failed three of three cognitive effort tests. Dr. Granacher could not draw an accurate conclusion concerning Mullin's mental state and could not determine whether he had reached MMI.

Mullins received treatment in March, April and May, 2013 at Kentucky River Community Care for adjustment disorder, anxiety and depressed mood. He reported being

depressed since the work injury and feeling hopeless and sad. He also reported an inability to focus or concentrate and short-term memory problems.

C. Christopher Allen, Ph.D. performed a neuropsychological examination on September 6, 2011. His assessment included cognitive disorder, single episode depressive disorder, and generalized anxiety disorder. He recommended psychotherapy and speech and language therapy to remediate memory.

The ALJ issued an Opinion, Award and Order on November 18, 2013, awarding Mullins temporary total and permanent partial disability benefits for injuries to his "cervical and lumbar spine and to his face." The ALJ found Mullins did not suffer any psychological impairment as a result of the accident, but made no specific finding with respect to the alleged safety violation.

Mullins petitioned for reconsideration. He requested additional findings concerning the timeliness of the Form 111, arguing American Woodmark had failed to establish good cause for the tardy pleading. Therefore, Mullins reasoned, American Woodmark admitted the safety violation and psychological condition.

In the Order on Reconsideration, the ALJ acknowledged the BRC Order listed the timeliness of the

Form 111 as an issue, but was not discussed in the Opinion. Citing Gray v. Trimmaster, 173 S.W.3d 236 (Ky. 2005), the ALJ stated he felt "compelled to find [Mullins] does have a psychological condition." However, based upon the report of Dr. Granacher, the ALJ determined Mullins did not have a psychological impairment rating, restrictions or current need for medical treatment. Regarding the alleged safety violation, the ALJ explained:

> The undersigned notes, *sua sponte* that I did fail to address KRS 342.165. The undersigned acknowledges that the Plaintiff pled this under the general duty clause and Apex Mining v. Blankenship, 918 S.W.2d 225 (Ky. 1996). The Plaintiff testified that the lumber was stacked too high and that he complained of it and that is what caused the accident. Since the Form 111 was untimely and KRS 342.165 is separate, though directly tied to, KRS 342.730, I believe I am bound to enhance his TTD and PPD benefits by 30%.

American Woodmark appealed and Mullins cross-appealed. In a July 3, 2014 decision, the Board vacated and remanded, directing the ALJ to make a specific finding as to whether American Woodmark established good cause for the delay in filing its Form 111. The Board indicated if good cause has been established, then the ALJ must enter a decision regarding the alleged safety violation and the alleged psychological injury based on the merits of each

claim. The Board held it would be premature to address the remaining arguments prior to a finding regarding whether good cause for the delay in filing the Form 111 was established.

On remand, the ALJ reopened proof on the issue of whether there was good cause for the delay in filing the Form 111. American Woodmark submitted an affidavit of Ms. Wendy Earles, an adjuster who maintained records through electronic filing. She confirmed the file contained a record of the notification from the Department of Workers' Claims regarding the filing of the Form 101. However, the electronic file did not contain any record of the scheduling order.

In the Opinion, Award and Order on Remand, the ALJ noted the scheduling order had been mailed to the same address as the notice of the filing of the Form 101. The ALJ was not persuaded by the evidence that the employer and/or the carrier did not receive the scheduling order. Rather, the ALJ indicated he was only persuaded that it was never entered into the carrier's electronic database and the carrier did not forward it to defense counsel in a timely manner. The ALJ held the Form 111 was not timely.

On appeal, American Woodmark argues it had a meritorious defense, filed a notice of claim denial Form

111, and was justified in obtaining a decision on the merits. It believes the ALJ imposed a harsh standard regarding what constitutes good cause, particularly in light of the insubstantial length of the delay. American Woodmark notes the law favors a decision on the merits, emphasizing Mullins was not prejudiced. It further notes Mullins did not move for default judgment, nor did he move to strike the Form 111. Alternatively, American Woodmark argues Mullins litigated the claim by consent and waived his argument for a default judgment.

KRS 342.270(2) states, in pertinent part as follows:

> Within forty-five (45) days of the date of issuance of the notice required by this section, the employer or carrier shall file notice of claim denial or acceptance, setting forth specifically those material matters which are admitted, those which are denied, and the basis of any denial of the claim.

803 KAR 25:010 § 5 states, in pertinent part, as follows:

> (2)(a) The defendant shall file a Notice of Claim Denial or Acceptance on a Form 111-Injury and Hearing Loss within forty-five (45) days after the notice of the scheduling order or within forty-five (45) days following an order sustaining a motion to reopen a claim.

> (b) If a Form 111 is not filed, all allegations of the application shall be deemed admitted.

In Neace v. Asplundh Tree Expert Co., Inc., Nos. 2007-SC-000236-WC, 2007-SC-000268-WC, 2008 WL 1850622 (Ky. 2008)[1], an unpublished decision, the Kentucky Supreme Court instructed:

> In Gray v. Trimmaster, supra, the employer failed to submit a timely Form 111, to introduce any proof, or to attend the benefit review conference. It filed a notice of representation and tendered a Form 111 after the conference. It appeared at the hearing but failed to assert a legal basis for concluding that KRS 342.270(2) and 803 KAR 25:010 § 5 did not require all allegations contained in the worker's application for benefits to be deemed admitted. Thus, the court did not address whether a tardy Form 111 may be filed upon a showing of good cause. It focused on the effect of the worker's allegations.
>
> In the present case, the employer tendered a tardy Form 111 and asserted that good cause existed for the delay. The Board determined that KRS 342.270(2) and 803 KAR 25:010 § 5 did not require strict compliance with the 45-day period despite their mandatory language. It concluded that a party may obtain relief from the 45-day requirement upon a showing of good cause in the same manner that a party may obtain relief from a default judgment in a civil action.

[1] This unpublished opinion of the Kentucky Supreme Court is cited pursuant to CR 76.28(c).

KRS 342.270(2) requires an employer to respond within 45 days of the scheduling order and admit or deny the allegations contained in the worker's application for benefits. It does not address the effect of a delay in doing so or a failure to do so. 803 KAR 25:010 § 5 operates as the equivalent of a default judgment provision. Its purpose is to facilitate the prompt and orderly resolution of claims.

In a civil action, CR 8.02, CR 8.04, and CR 12.01 operate to admit an averment in a pleading if the opposing party fails to answer and deny it within 20 days of service of the summons and complaint. CR 55.01 provides for the entry of a default judgment if a party fails to defend a cause of action and lists but a few exceptions. Ryan v. Collins, 481 S.W.2d 85 (Ky. 1972), notes, however, that the courts disfavor such judgments and that CR 55.02 permits the trial court to set aside a default judgment upon a showing of good cause in accordance with CR 60.02. Liberty National Bank & Trust Co. v. Kummert, 305 Ky. 769, 205 S.W.2d 342 (Ky.1947, and Howard v. Fountain, 749 S.W.2d 690, 692 (Ky. App. 1988), direct the trial court to apply a liberal standard when judging whether good cause exists and state that the exercise of discretion will not be disturbed absent abuse. Likewise, Moffitt v. Asher, 302 S.W.2d 102 (Ky. 1975), applies an abuse of discretion standard to a decision granting or denying a request under CR 6.02 to plead after the time allowed in CR 12.01 has expired.

As explained in J.B. Blanton Co. v. Lowe, 415 S.W.2d 376 (Ky. 1967), the courts afford an administrative

> agency's construction of its own regulation great weight when determining the regulation's meaning. Although 803 KAR 25:010 § 5 does not indicate that the time for filing a Form 111 may be enlarged after it expires, the claimant points to no statute or regulation that prohibits it from being enlarged despite a showing of good cause. The Board's construction of 803 KAR 25:010 § 5 is reasonable. It considers a worker's interest in the prompt resolution of a claim but also ensures that an employer who shows good cause for tendering a tardy Form 111 will receive a day in court. We conclude, therefore, that 803 KAR 25:010 § 5 permits an employer to file a Form 111 outside the 45-day period if the ALJ finds that it has shown good cause for the delay.

Slip op at pp. 2-3.

The Board is aware default judgments as a rule are disfavored. Asset Acceptance, LLC v. Moberly, 241 S.W.3d 329, 332 (Ky. 2007); Educator & Executive Insurers, Inc. v. Moore, 505 S.W.2d 176 (Ky. 1974). That having been said, triers of fact have repeatedly been held to possess broad discretion in determining such matters. Howard v. Fountain, 749 S.W.2d 690, 692 (Ky. App. 1988).

"Good cause" is most commonly defined as a timely showing of the circumstances under which a default judgment was procured. Green Seed Co., Inc. v. Harrison Tobacco Storage, 633 S.W.2d 755 (Ky. 1984). To set aside a default judgment, as a threshold matter, "good cause" must be

shown. Jacobs v. Bell, 441 S.W.2d 448 (Ky. 1969). To establish "good cause," the party seeking relief from a default judgment must demonstrate that it is not guilty of unreasonable delay or neglect. Terrafirma, Inc. v. Krogdahl, 380 S.W.2d 86 (Ky. 1964).

Correspondingly, relief from the requirement for filing a Form 111 within forty-five days of the issuance of the scheduling order may only be had upon good cause shown. Neace, 2008 WL 1850622. *See also* Clark Regional Medical Center v. Lovings, No. 2006-SC-0027-WC, 2006 WL 2987038 (Ky. 2006). Absent a showing of good cause by an employer for the untimely filing of a Form 111, the requirement under 803 KAR 25:010 § 5(2)(b) that all allegations in a claimant's application for benefits shall be deemed admitted is mandatory. Gray v. Trimmaster, 173 S.W.3d 240 (Ky. 2005). Actual prejudice to the injured employee is not a factor under KRS 342.270(2) or 803 KAR 25:010 § 5(2). Lovings, 2006 WL 2987038.

Whether good cause is adequately proven in such instances is a question of fact for determination within the discretion of the ALJ on a case by case basis, depending on the evidence presented. Neace, 2008 WL 1850622. Regardless of the result reached, the exercise of such discretion by an ALJ cannot be disturbed on appeal

absent a clear showing of abuse of this discretion. The test for abuse of discretion is whether the fact-finder's decision was arbitrary, unreasonable, unfair, or unsupported by sound legal principles. Officeware v. Jackson, 247 S.W.3d 887, 892 (Ky. 2008).

On remand of the case *sub judice*, the ALJ reopened proof and examined whether sufficient good cause existed to justify American Woodmark's delay in filing its Form 111. In determining American Woodmark had not shown good cause, the ALJ reasoned the evidence only established the scheduling order was never entered into the carrier's electronic database and thus not forwarded to the attorney in a timely manner. The evidence established the scheduling order was mailed to the same address as the notice of the filing of the claim, which the carrier had received. Thus, American Woodmark must be considered to have received the scheduling order. The failure to timely file a Form 111 was the result of a lack due diligence in the adjusting of Mullins' claim. Under the circumstances, we find no abuse of discretion pertaining to the outcome reached by the ALJ on remand. Given that there is substantial evidence to support the ALJ's determination there were no extraordinary circumstances beyond American Woodmark's control that effectively prevented it from

timely filing a Form 111 and, therefore, no good cause shown sufficient to excuse any delay, we find no error. Special Fund v. Francis, 708 S.W.2d 641 (Ky. 1986).

We likewise find no merit in American Woodmark's argument that its failure to file a timely Form 111 is excused because issues were tried by consent. The effect of the untimely filing was preserved as a contested issue at the BRC. American Woodmark did not raise the defense of waiver or trial by consent until after the ALJ's decision. Mullins was not required to move for default judgment. American Woodmark attempts to shift the blame to Mullins for its late filing of the Form 111 and its expense and effort in litigating the issues related to the safety violation. Significantly, it could have brought this matter to the forefront by filing a motion to permit the late filing of its Form 111, thus heading off any expense or effort defending these issues.

American Woodmark argues the evidence does not support the determination on reconsideration that the psychological claim was work-related. It contends there is no evidence to refute Dr. Granacher's report. American Woodmark also argues the evidence does not support an intentional violation of a safety rule to impose liability. It contends the lay testimony is insufficient to impose

liability because the witnesses do not qualify as experts. Furthermore, it notes the guards on the forklifts met OSHA standards and the kilns were built to industry standards.

Because the Form 111 was determined to have been untimely filed without good cause, the psychological condition is deemed work-related. The ALJ properly amended the award on reconsideration to include the psychological condition.

As noted by the ALJ, the safety violation was pled under the general duty clause. Violation of the "general duty" clause set out in KRS 338.031(1)(a) may be grounds for assessment of the safety penalty in the absence of a specific regulation or statute addressing the matter. Apex Min. vs. Blankenship, 918 S.W.2d 225 (Ky. 1996); Brusman vs. Newport Steel Corp., 17 S.W.3d 514 (Ky. 2000). KRS 338.031(1)(a) requires the employer to furnish the employee a place of employment free from recognized hazards causing or likely to cause death or serious physical harm to the employee. Testimony of Mullins, Patton and Spencer established the dangers related to the baffles, the height of the pallets, and the possibility of falling 4x4s going through the guards on the forklifts were all known by the employer prior to Mullins' injury. Because the employer was aware of the precise hazard and failed to implement measures

to remediate the known hazard, the ALJ could reasonably find a violation of the general duty clause.

In his cross-appeal, Mullins argues the ALJ erred in failing to award income and medical benefits for the right eye injury. Mullins notes Dr. Reddy assigned a 1% impairment rating for the eye and American Woodmark presented no evidence to rebut his assessment. Mullins' application included the eye injury, and the injury is deemed admitted by the failure to file a timely Form 111.

Because the eye injury is deemed admitted, the ALJ on remand must determine whether Mullins sustained a 1% impairment for that condition. Dr. Reddy's assessment of an impairment rating was not rebutted. The ALJ may not disregard uncontroverted medical evidence of record in the absence of a sufficient explanation for the rejection of this evidence. Elizabethtown Sportswear v. Stice, 720 S.W.2d 732 (Ky. App. 1986); Mengle v. Hawaiian-Tropic Northwest & Central Distributors, Inc., 618 S.W.2d 184 (Ky. App. 1981).

Mullins argues the ALJ erred in limiting medical benefits to the cervical and lumbar spine injuries, psychological condition, and facial injuries. He maintains the award should have included medical benefits for each of the conditions listed in his Form 101.

Because each of the alleged injuries in Mullins' Form 101 are deemed admitted, the ALJ may have erred in limiting future medical care to the cervical and lumbar spine, face, and psychological condition. The various conditions alleged in the Form 101 may or may not be permanent injuries. Mullins is entitled to findings of fact by the ALJ concerning his entitlement to medical benefits for the conditions alleged in his Form 101 pursuant to KRS 342.020. *See* Combs v. Kentucky River Dist. Health Dept., 194 S.W.3d 823 (Ky. App. 2006). American Woodmark certainly retains the ability to challenge whether medical expenses related to the injuries are reasonable or necessary in the future should it be presented with any expenses related to these injuries.

American Woodmark requested oral argument. Having reviewed the record, we conclude oral argument is unnecessary. Consequently, **IT IS HEREBY ORDERED AND ADJUDGED** the request is **DENIED.**

Accordingly, the November 18, 2013 Opinion, Award and Order, the December 24, 2013 Order on Reconsideration and the November 17, 2014 Opinion and Order on Remand of Hon. Chris Davis, Administrative Law Judge, are hereby **AFFIRMED IN PART, VACATED IN PART AND REMANDED** for

additional findings and entry of an amended award in conformity with the views expressed herein.

ALL CONCUR.

_____
REBEKKAH B. RECHTER, MEMBER
WORKERS' COMPENSATION BOARD

COUNSEL FOR CROSS-PETITIONER:

HON JOHN EARL HUNT
PO BOX 960
ALLEN, KY 41601

COUNSEL FOR CROSS-RESPONDENT:

HON J DENIS OGBURN
9300 SHELBYVILLE ROAD, SUITE 1205
LOUISVILLE, KY 40220

ADMINISTRATIVE LAW JUDGE:

HON. CHRIS DAVIS
PREVENTION PARK
657 CHAMBERLIN AVE
FRANKFORT, KY 40601