

Commonwealth of Kentucky  
Workers' Compensation Board

OPINION ENTERED: November 13, 2015

CLAIM NO. 201484974

PATRICK RISNER

PETITIONER

VS.

APPEAL FROM HON. STEPHANIE L. KINNEY,  
ADMINISTRATIVE LAW JUDGE

W L HARPER CO. and  
HON. STEPHANIE L. KINNEY,  
ADMINISTRATIVE LAW JUDGE

RESPONDENTS

OPINION & ORDER  
DISMISSING

\* \* \* \* \*

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

**ALVEY, Chairman.** Patrick Risner ("Risner") seeks review of an Opinion and Order rendered July 31, 2015 by Hon. Stephanie L. Kinney, Administrative Law Judge ("ALJ"), and the September 22, 2015 order denying the petition for reconsideration he filed in his claim against W. L. Harper Co.

Risner filed a Form 101 on December 24, 2014, alleging injuries to his lower extremities and feet in an accident which occurred on April 9, 2014. In the opinion rendered July 31, 2015, the ALJ dismissed Risner's claim. Risner timely filed a petition for reconsideration on August 10, 2015. This petition for reconsideration was denied by the ALJ in an order entered September 22, 2015. Risner then filed a *pro se* appeal on October 29, 2015.

Clearly, the ALJ's decision rendered September 22, 2015 was the final order as contemplated by KRS 342.275(2) and 803 KAR 25:010 Sec. 21 (2)(a) which triggers the running of the thirty day period. Risner did not file his notice of appeal until thirty-seven days after the order on reconsideration was issued. Considering the three day rule for service of the order, the time for filing the appeal expired on October 25, 2015. Since this was on Sunday, the date for timely filing an appeal was extended to October 26, 2015. The appeal was not filed until three days after the latest date it could have been considered timely filed. Because the notice of appeal was not timely filed, the appeal must be dismissed.

Accordingly, **IT IS HEREBY ORDERED AND ADJUDGED** the appeal seeking review of the opinion rendered July 31, 2015, and the order on Risner's petition for

reconsideration issued September 22, 2015, by Hon.  
Stephanie L. Kinney, Administrative Law Judge, is  
**DISMISSED.**

ALL CONCUR.

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MICHAEL W. ALVEY, CHAIRMAN  
WORKERS' COMPENSATION BOARD

**PETITIONER, PRO SE:**

PATRICK RISNER  
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KEENE, KY 40339

**COUNSEL FOR RESPONDENT:**

HON SHERRI KELLER  
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**ADMINISTRATIVE LAW JUDGE:**

HON STEPHANIE L KINNEY  
PREVENTION PARK  
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