

Commonwealth of Kentucky
Workers' Compensation Board

OPINION ENTERED: June 25, 2021

CLAIM NO. 201900239 & 201894403

BARBARA HUGHES

PETITIONER

VS. APPEAL FROM HON. CHRISTINA D. HAJJAR,
ADMINISTRATIVE LAW JUDGE

OTTO BOCK and
HON. CHRISTINA D. HAJJAR,
ADMINISTRATIVE LAW JUDGE

RESPONDENTS

OPINION
AFFIRMING

* * * * *

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

BORDERS, Member. Barbara Hughes (“Hughes”) appeals from the March 18, 2021 Opinion, Award, and Order and the March 30, 2021 Order on Petition for Reconsideration rendered by Hon. Christina D. Hajjar, Administrative Law Judge (“ALJ”). The ALJ awarded temporary total disability benefits, permanent partial disability benefits, and medical benefits for a January 11, 2018 right knee injury and

a December 10, 2018 left knee injury Hughes sustained while working as a receiving clerk in Otto Bock's warehouse. On appeal, Hughes argues the ALJ erred by failing to provide clear and explicit award provisions of medical benefits for each of the knee injuries. Because the ALJ adequately addressed the award of medical benefits, we affirm.

The ALJ's Opinion, Award, and Order provided the following award of medical benefits:

Plaintiff shall recover from Defendant/Employer medical expenses, including but not limited to provider's fees, hospital treatment, surgical care, nursing, appliances, prescriptions, supplies, and mileage reimbursements as may be reasonably required for the cure and relief from the effects of the left and right knee injuries under KRS 342.020. Defendant's obligation shall be commensurate with the limits set by the Kentucky Medical Fee Schedule. Defendant's obligation for medical expenses for the **left knee** injury shall terminate 780 weeks from the December 10, 2018 injury. (Original emphasis).

Hughes filed a Petition for Reconsideration arguing the ALJ failed to provide appropriate medical award provisions for the right knee injury. On reconsideration, the ALJ's Order provided as follows:

In regard to Plaintiff's motion for the ALJ to award benefits for the right knee, the motion is moot, as it has already been awarded. In paragraph 3 on page 15, this ALJ awarded medical benefits for the left and right knee injuries under KRS 342.020. The ALJ limited benefits for the left knee to 780 weeks, but the right knee benefits are not limited to this time frame, based upon the dates of the respective injuries.

Hughes argues this claim should be remanded to the ALJ for an explicit statement concerning the medical benefits awarded for each individual knee

injury, the date each respective injury occurred, and the appropriate version of the statute to be applied to each respective knee injury. She contends the particular facts of this claim can be easily confused or misconstrued due to the fact this consolidated claim deals with two distinct injuries – one occurring before and the other occurring after the enactment of House Bill 2. As such, Hughes believes additional clarity is necessary to prevent confusion in potential medical fee disputes in the future.

Upon review of the ALJ's Opinion and her Order on Petition for Reconsideration, we are convinced no further clarification is necessary. The original decision clearly specified the 780-week limit on medical benefits applied to the left knee injury. The ALJ stressed this point by placing "left knee" in bold type. In the Order on Petition for Reconsideration, the ALJ clearly stated medical benefits were limited to 780 weeks for the left knee but were not limited for the right knee, based upon the date of injury. The ALJ clearly applied the law as it existed on the date of each injury to the award of medical benefits for each injury. On page 2 of the Opinion, Award, and Order, the ALJ clearly states she found Hughes sustained a right knee injury on January 11, 2018 and a left knee injury on December 10, 2018. Because the ALJ's Opinion, Award, and Order and the Order ruling on the Petition for Reconsideration adequately address the award of medical benefits, we affirm.

Accordingly, the March 18, 2021 Opinion, Award, and Order and the March 30, 2021 Order on Petition for Reconsideration rendered by Hon. Christina D. Hajjar, Administrative Law Judge, are hereby **AFFIRMED**.

ALL CONCUR.

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