

BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD

RYAN LINDBLOOM)	
Claimant)	
V.)	
)	AP-00-0480-379
DUCOMMUN, INC.)	CS-00-0440-747
Respondent)	
AND)	
)	
STARR INDEMNITY AND LIABILITY CO.)	
Insurance Carrier)	

ORDER

Claimant requested review of the December 11, 2023, Award by Administrative Law Judge (ALJ) Brian Brown. The Board heard oral argument on April 25, 2024.

APPEARANCES

Kala Spigarelli appeared for Claimant. Jeff S. Bloskey appeared for Respondent and its insurance carrier (Respondent).

RECORD AND STIPULATIONS

The Board has adopted the same stipulations and considered the same record as did the ALJ, consisting of the transcript of Regular Hearing held March 3, 2023; the transcript of the Evidentiary Deposition of Ryan Lindbloom from May 5, 2023, with exhibits attached; the transcript of the Deposition of Dr. Terrence Pratt from January 27, 2022, with exhibits attached; the transcript of the Deposition via Zoom of Jarron I. Tilghman, M.D. from January 31, 2022, with exhibits attached; the transcript of the Evidentiary Deposition of Dr. Pedro Murati from May 9, 2023, with exhibits attached; the transcript of the Evidentiary Deposition of Dr. Jarron Tilghman from June 19, 2023, with exhibits attached; the transcript of the Remote Zoom Deposition of Lowry Jones, M.D. from July 25, 2023, with exhibits attached; the transcript of the Remote Video Conference Deposition of Terrence Pratt, M.D. from August 30, 2023, with exhibits attached; the transcript of the Remote Video Conference Deposition of Larry Taylor from September 6, 2023, with exhibits attached; the transcript of the Evidentiary Deposition of Paul Hardin from June 28, 2023, with exhibits attached; the transcript of the Remote Zoom Deposition of Terry

Cordray, M.S. from July 26, 2023, with exhibits attached; the briefs submitted by the parties; and, the documents of record filed with the Division.

ISSUES

The issues for the Board's review are:

1. Is Claimant entitled to an award of total temporary disability benefits (TTD) from November 6, 2018, through November 11, 2019, and December 12, 2019, through February 11, 2021?
2. What is the nature and extent of Claimant's disability and functional impairment?
3. Is Claimant entitled to an award for work disability?

FINDINGS OF FACT

Claimant began working for Respondent, an airplane parts manufacturer, in 2012. By 2018, Claimant was an Assembler 2, using various tools and machinery to make and assemble parts. This position required Claimant to lift objects weighing up to 120 pounds and involved bending, twisting, standing, and sitting at an assembly table.

On October 20, 2018, Claimant sustained injury to his right low back while using a drill press to drill several hundred holes in a part weighing 30 to 40 pounds. He described:

So pulling down on the drill press, moving the part half an inch at a time, pulling down drill press, pulling down on the drill press. You had to pull extremely hard in order to achieve the tight tolerances there are to get the hold just right and not too far. So just, you know, something I've done hundreds of times, pulled down on it, about had to twist in order to get it all the way down to where it's supposed to be and just felt – I felt a real sharp pain in my back. The only way I can describe it, it felt like somebody took a knife and stuck it up in my back.¹

Claimant testified he treated at Ortho Four States prior to the accident. The Ortho Four States records indicate Claimant presented with complaints involving his low back and lower extremities in March 2018. Claimant denied having low back complaints. Claimant testified he disagreed "100 percent with that. [He] was referred to them by a urologist for pain in [his] feet."² Claimant stated his foot symptoms were diabetic neuropathy.

¹ Claimant Depo. at 15-16.

² *Id.* at 58.

A lumbar spine MRI was obtained on March 21, 2018, which was read to reveal a right far lateral disc protrusion at L4-5 mildly displacing the exiting L4 nerve root, with stenosis possibly compromising the left L5 nerve root.³ Records dated May 2, 2018, indicated Claimant's EMG was positive for mild acute bilateral S1 radiculopathy. Claimant complained of low back pain bilaterally on July 5, 2018, and received a lumbar injection. Claimant's chief complaint on August 9, 2018, was low back and lower extremity pain, and he received another lumbar injection. On September 13, 2018, Claimant reported low back and lower extremity pain he rated at 9 on the pain scale. A thoracic spine MRI and spinal cord stimulator were recommended, but neither was performed.

Claimant stated he notified his supervisor, Roger Addis, of the incident the same day. Claimant missed work the following day due to pain. Claimant returned to work the day after as scheduled.

Larry Taylor was Respondent's Operations Manager for Fabrication on October 20, 2018. Mr. Taylor testified Claimant worked on October 23, 2018, before obtaining treatment later that day with Labette Health. The nurse practitioner at Labette Health examined Claimant and imposed light duty work restrictions of no lifting over 20 pounds, no frequent lifting/carrying over 10 pounds, and no bending, twisting, squatting, climbing, or lifting above shoulder level.

Claimant was off work from October 24-28, 2018, on a previously scheduled vacation. Claimant returned to work October 29, 2018. Claimant testified he discussed his restrictions with Mr. Addis and was informed there was no Assembler 2 work for him. Claimant stated no one at Respondent offered him accommodated work.

Mr. Taylor disputed Claimant's testimony, stating Respondent provided accommodated work within Claimant's restrictions once received from Labette Health. Respondent's records show the times Claimant spent performing direct and indirect work from October 29, 2018, through his last day, November 9, 2018. Mr. Taylor explained direct work involves a specific work order/part and the time Claimant spent working on that part. Indirect work involves time Claimant spent training other employees and/or cleaning and organizing his work station. All work performed at Respondent is entered into its computer system.

Mr. Taylor testified all work Claimant performed in the time period following October 29 was within Claimant's restrictions. Mr. Taylor explained he and Mr. Addis specifically assigned the direct work orders and indirect work to Claimant because they were familiar with the weights of each part and the tasks involved in each, and they determined the work was within Claimant's restrictions. Mr. Taylor stated Respondent provides accommodated

³ See Tilghman Depo. (June 19, 2023), Resp. Ex. A at 25.

work within an employee's restrictions, whether temporary or permanent, and would have continued providing light duty work for Claimant had he not resigned. Mr. Taylor noted Claimant never complained his assigned work did not comply with his restrictions.

Claimant testified, during his 2023 deposition, he did not recall advising Mr. Addis he was quitting his employment on October 29, 2018. Claimant acknowledged he had previously testified, in 2019, he provided Mr. Addis with two weeks' notice on that date and agreed he most likely had. At this time, Claimant's wife, Melynda Lindbloom, worked for Respondent as a Production Control Scheduler. Ms. Lindbloom sent an email dated October 30, 2018, to Mr. Addis and Mr. Taylor, stating Claimant was quitting not because of his back pain but for other reasons. Ms. Lindbloom's email indicated Claimant's managers treated him unfairly by requesting he perform rush work and spend time training other employees. Further, the email stated Respondent had mistreated Claimant for years.

Claimant testified he stopped working at Respondent "because of [his] injury."⁴ Claimant's last day worked at Respondent was November 9, 2018. Claimant has not worked anywhere since leaving Respondent.

Mr. Taylor testified the first indication he had of Claimant's resignation was the email he received from Ms. Lindbloom on October 30, 2018. On November 9, 2018, Mr. Taylor found Claimant's badge on his supervisor's desk and concluded Claimant had left the premises. Mr. Taylor testified Claimant worked October 20-22, 23, 29 and November 1, 6, and 7-9. Claimant took sick or vacation time November 2-5 and vacation time October 24-28.

Mr. Taylor explained Respondent was unable to conduct its typical exit interview or complete its separation packet because Claimant had left. Respondent later sent Claimant the separation packet via certified mail. The documentation indicated Claimant voluntarily resigned his employment due to dissatisfaction with his work, based upon Ms. Lindbloom's email. The separation packet was never returned to Respondent. Claimant testified he never received any paperwork from Respondent after November 9, 2018.

Claimant received conservative care from Labette Health and underwent a lumbar MRI on October 29, 2018. The MRI was read to reveal a disc protrusion/herniation with mild right neural foraminal stenosis at L4-5 on the right, and facet hypertrophy without herniation or stenosis at L5-S1. Dr. Burton examined Claimant on February 19, 2019. Claimant testified Dr. Burton did not recommend treatment but continued work restrictions. Dr. Burton's records are not in evidence.

⁴ Claimant Depo. at 74.

Following Claimant's post-accident visit with Dr. Burton, Dr. Pedro Murati examined Claimant at his counsel's request on August 28, 2019. Dr. Murati performed a physical examination and determined Claimant sustained low back pain with an L5 and S1 radiculopathy and right sacroiliac (SI) joint dysfunction. Dr. Murati recommended injections, physical therapy, medications, and a surgical consultation.

Dr. Alexander Bailey examined Claimant on November 12, 2019, at Respondent's request. Dr. Bailey's records are not in evidence. Claimant testified he saw Dr. Bailey one time, and no restrictions were imposed.

Dr. Murati issued an additional report on December 12, 2019, wherein he provided impairment ratings at Claimant's request. Using only the *AMA Guides*,⁵ Dr. Murati determined Claimant sustained 12 percent whole person impairment for his lumbar radiculopathy.

Dr. Terrence Pratt examined Claimant for purposes of a Court-ordered independent medical evaluation (IME) on March 24, 2020. Dr. Pratt reviewed Claimant's medical records and performed a physical examination, finding Claimant sustained injury to his low back with right SI joint involvement. Dr. Pratt opined the October 20, 2018, accident was the prevailing factor causing Claimant's SI joint dysfunction. Dr. Pratt noted the possibility the work accident aggravated some of Claimant's preexisting conditions. Dr. Pratt determined Claimant was a possible future candidate for a right SI joint injection, but he did not believe Claimant required permanent restrictions related to the 2018 accident. Using a strict interpretation of the *AMA Guides*, Dr. Pratt found Claimant sustained 1 percent whole person impairment for SI joint dysfunction. He considered Claimant's preexisting low back involvement to be between 7 and 12 percent whole person impairment.

Dr. Pratt issued an addendum to his IME on November 25, 2020, recommending Claimant undergo an SI joint therapeutic program. Should Claimant not respond to this program, Dr. Pratt felt a pain management assessment for consideration of an SI joint injection was appropriate. Dr. Pratt did not recommend additional evaluation or treatment related to the 2018 accident.

Dr. Jarron Tilghman, Claimant's authorized treating physician, first examined Claimant on February 11, 2021. Dr. Tilghman diagnosed chronic stable lumbar degenerative disease, chronic stable bilateral low back pain without sciatica, and chronic stable right-sided sacroiliitis (SI joint dysfunction). Dr. Tilghman prescribed physical therapy, which Claimant received from March 23 to April 6, 2021. Claimant did not respond to physical therapy, and Dr. Tilghman provided a right SI joint injection on April 7,

⁵ American Medical Ass'n, *Guides to the Evaluation of Permanent Impairment* (6th ed.).

2021. Claimant's physical therapy continued thereafter through May 24, 2021. Dr. Tilghman prescribed pain medication and muscle relaxants for Claimant to use prior to physical therapy sessions. Claimant testified the physical therapy provided some relief, but his low back pain always returned. Claimant further indicated the SI joint injection provided relief for only two days.

Dr. Tilghman added a diagnosis of chronic stable myalgia at Claimant's April 30, 2021, visit. When Claimant's physical therapy concluded in May 2021, Dr. Tilghman recommended a latissimus dorsi trigger point injection. This injection was not performed until October 22, 2021, due to a legal dispute resolved in an Order by ALJ Roth. Dr. Tilghman testified the right side of Claimant's low back, specifically the latissimus dorsi muscle belly, is the site of his myalgia. Dr. Tilghman explained the latissimus dorsi muscle belly extends from the inferior aspect of the scapula and inserts onto the ileac crest, above the SI joint. Dr. Tilghman then recommended additional physical therapy on December 10, 2021.

Dr. Tilghman testified on January 31, 2022, Claimant had not yet reached maximum medical improvement (MMI). Dr. Tilghman determined Claimant's SI joint dysfunction and myofascial pain syndrome (myalgia) were caused by the October 2018 work accident, disagreeing with Dr. Pratt's opinion Claimant's work-related condition is limited to SI joint dysfunction.

When the latissimus dorsi injection did not provide sustained relief, Dr. Tilghman diagnosed Claimant with neuralgia neuritis, or inflammation of a nerve, in the low back. Dr. Tilghman noted this diagnosis did not correspond to any particular nerve root but was more of a peripheral issue involving abnormal nerve firings. Dr. Tilghman initially testified Claimant's neuralgia neuritis preexisted the October 2018 incident. He later stated the accident could have caused a new incidence of a previously diagnosed condition, and that his previous opinion "wasn't necessarily untrue, it just wasn't the full story."⁶

Claimant performed a Functional Capacity Evaluation (FCE) on March 24, 2022. The valid results placed Claimant in the light-work range. At his last visit with Claimant on March 25, 2022, Dr. Tilghman determined Claimant had reached MMI. Based on the FCE results, Dr. Tilghman imposed permanent restrictions of no lifting over 20 pounds. Dr. Tilghman acknowledged the FCE assessment of Claimant's physical capabilities did not distinguish between impairment sustained as a result of the work accident or as a result of preexisting conditions. Dr. Tilghman suggested Claimant perform home exercises and take pain medication, to be procured from an outside provider, as needed.

⁶ Tilghman Depo. (June 19, 2023) at 34.

Dr. Tilghman took Claimant off work beginning February 11, 2021, due to Claimant's SI joint dysfunction, poor response to treatment, and the fact Claimant was already unemployed. Dr. Tilghman kept Claimant off work throughout the course of treatment, through March 25, 2022. Dr. Tilghman testified Claimant should have been off work between the October 20, 2018, accident and his initial examination on February 11, 2021, because Claimant had likely experienced the same symptoms during that time frame.

Dr. Tilghman reviewed the records from Ortho Four States during his June 19, 2023, deposition. Dr. Tilghman testified Claimant had chronic low back pain and chronic low back muscle pain prior to the work incident. Claimant's prior records indicate he had sciatica and radiculopathy. Dr. Tilghman noted Claimant did not complain, either objectively or subjectively, of sciatica during the period he provided treatment. Dr. Tilghman determined all his diagnoses are directly related to the October 2018 event.

Dr. Lowry Jones examined Claimant for purposes of a Court-ordered IME on November 23, 2022. Dr. Jones determined Claimant sustained an SI joint injury on the right as a result of the work accident. Dr. Jones compared the MRIs and EMG obtained both before and after the October 2018 incident and found Claimant's lumbar spine involvement preexisted the work accident. Dr. Jones did not, however, review records from Dr. Tilghman. Dr. Jones imposed permanent restrictions of no repetitive bending at the waist and no lifting more than 30 pounds from knee to shoulder. Dr. Jones recommended Claimant treat at home with stretches, heat, and topical analgesics. Dr. Jones testified, in his experience, Claimant's pain is permanent with no available treatment to significantly improve his symptoms.

Using the *AMA Guides* as a starting point, Dr. Jones opined Claimant sustained 5 percent whole body impairment as a result of the accident. Dr. Jones explained the SI joint involvement is 3 percent whole body impairment. He added another 2 percent due to Claimant's limited range of motion.

Claimant returned to Dr. Murati on April 26, 2023. Dr. Murati reviewed Claimant's updated medical records and performed another physical examination. Dr. Murati found Claimant sustained low back pain with an L5 radiculopathy and right SI joint dysfunction. He attributed the work accident as the prevailing factor of both. Dr. Murati determined Claimant will require future medical treatment, including possible physical therapy, injections, medications, and surgical intervention. Dr. Murati provided permanent restrictions of no bending, crawling, crouching, stooping, or lifting over 20 pounds.

Dr. Murati provided an updated rating opinion, using both the *AMA Guides* and his expertise, of a combined 14 percent whole person impairment. Dr. Murati explained his rating is comprised of 12 percent whole person impairment for lumbar radiculopathy and 2 percent whole person impairment for right SI joint dysfunction.

Dr. Pratt also revised his original rating opinion at his August 2023 deposition. Using the *AMA Guides* as a starting point, Dr. Pratt opined Claimant sustained 5 percent whole person impairment as a result of the 2018 incident, based on the SI joint injury and the evaluation and care Claimant receiving following the injury. Additionally, Dr. Pratt opined Claimant had 10 percent whole person impairment based on the structural changes and diagnostic evaluation/care for his preexisting involvement.

Claimant interviewed with two vocational experts, Mr. Paul Hardin and Mr. Terry Cordray. Both experts reviewed Claimant's age, education, and work experience. Both generated a list of tasks Claimant completed in the five years preceding the accident and provided a wage loss assessment. Mr. Cordray determined Claimant could currently earn \$15 per hour. Mr. Hardin concluded Claimant could currently earn \$719.60 per week. When applying Claimant's preinjury wage of \$1,350.19 per week, Mr. Hardin found a wage loss of 47 percent.

The ALJ found Claimant sustained 5 percent whole person functional impairment as a result of the October 20, 2018, accident, and does not qualify for an award of work disability. The ALJ determined Claimant voluntarily resigned from Respondent and was not entitled to TTD; therefore, the ALJ ordered a credit for overpayment of TTD in the amount of \$37,995.78. Finally, the ALJ found Claimant is entitled to unauthorized and future medical compensation.

PRINCIPLES OF LAW AND ANALYSIS

Claimant argues he is entitled to TTD for the claimed dates because the authorized treating physician not only took him off work for the entirety of his treatment, but also testified he should have been off work since the accident. Claimant contends Respondent is not entitled to a credit for overpayment of TTD. Further, Claimant claims there was an underpayment of TTD in the amount of \$738. Claimant argues he is entitled to a work disability award of 59.5 percent, minus amounts previously paid.

Respondent maintains the ALJ's Award should be affirmed in all respects. Respondent argues Claimant relies on evidence and findings from the first preliminary hearing before ALJ Roth, who did not have all the evidence of Claimant's voluntary employment resignation and preexisting low back condition.

1. Is Claimant entitled to an award of TTD from November 6, 2018, through November 11, 2019, and December 12, 2019, through February 11, 2021?

K.S.A. 44-510c(b)(2)(C) states: If the employee has been terminated for cause or voluntarily resigns following a compensable injury, the employer shall not be liable for temporary total disability benefits if the employer could have accommodated the temporary

restrictions imposed by the authorized treating physician but for the employee's separation from employment.

Claimant alleges he stopped working because of his work-related injury. Claimant's testimony is contradicted by managers, his wife, and the medical records. Claimant's wife sent an email dated October 30, 2018, to Mr. Addis and Mr. Taylor, telling them Claimant was quitting for reasons other than his work-related injury. Consistent with the content of Melynda Lindbloom's email, Claimant turned in his badge on November 9, 2018, nine days after the email was sent. It should also be noted Claimant denied having low back complaints in March 2019, even though the records indicate he was referred for an MRI of the low back, which revealed a lateral disc protrusion at L4-5 mildly displacing the L4 nerve root. The Board does not find Claimant's testimony to be credible. The evidence is consistent with voluntary resignation due to reasons unrelated to Claimant's work-related injury. The ALJ correctly concluded Claimant is not entitled to TTD benefits after November 9, 2018.

Claimant would be entitled to TTD from the date of accident, October 20, 2018, through the date of his voluntary resignation. However, Mr. Taylor testified between the date of accident and resignation, Claimant either worked or took vacation leave. As such, Claimant does not qualify for TTD prior to his resignation.

K.S.A. 44-510c(b)(2)(C) does not apply if the worker is taken completely off work, as there are no restrictions to accommodate. Respondent's ability to accommodate the temporary restrictions triggers the TTD exclusion. Claimant is entitled to TTD from February 11, 2021, through March 25, 2022. Dr. Tilghman took Claimant off work completely on February 11, 2021. Dr. Tilghman continued to keep Claimant off work until he was found to be at maximum medical improvement on March 25, 2022. Claimant is entitled to 58.29 weeks of TTD at the maximum compensation rate of \$645.00, totaling \$37,597.05. Based upon the stipulations made by the parties, Respondent is entitled to a TTD credit of \$398.73. This credit is based upon K.S.A. 44-525(c).

2. What is the nature and extent of Claimant's disability and functional impairment?

The employee has the burden of proof to establish the right to an award of compensation, including the various conditions upon which the right to compensation depends.⁷ "Burden of proof" generally means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence the party's position on an issue is

⁷ See K.S.A. 44-501b(c).

more probably true than not on the basis of the whole record.⁸ The trier of fact considers the whole record in determining if the employee satisfied the burden of proof.⁹

The extent of permanent partial general disability shall be the percentage of functional impairment by the employee sustained on account of the injury as established by competent medical evidence and based on the *AMA Guides*.¹⁰ In *Johnson v. U.S. Food Service*,¹¹ the Kansas Supreme Court held, in rating whole body impairments, the ratings calculations should begin with the *AMA Guides* as a starting point and consider competent medical evidence to modify or confirm the rating.

Using the *AMA Guides* as a starting point, a Court-appointed evaluator, Dr. Jones, opined Claimant sustained 5 percent whole body impairment as a result of the accident. Dr. Jones related the impairment to the SI joint only. Dr. Jones deemed the L5-S1 findings to preexist the work-related accident. Dr. Pratt opined Claimant sustained 5 percent whole person impairment as a result of the 2018 incident, based on the SI joint injury and the evaluation and care Claimant receiving following the injury. Dr. Pratt also believed Claimant's October 20, 2018, injury by accident was limited to the SI joint. Dr. Pratt did not find evidence of a new injury to the L5-S1 disc. Dr. Murati assessed 14 percent whole person impairment: 2 percent for SI joint dysfunction and 12 percent for lumbar radiculopathy.

The weight of the medical evidence supports a finding Claimant suffered an injury to the SI joint only, as the result of his October 20, 2018, accident. The weight of the evidence also supports a finding Claimant's radiculopathy due to the lumbar spine at L5-S1 is related to a preexisting condition. Two Court-ordered medical examiners determined Claimant suffers 5 percent whole body impairment due to an SI joint condition. Dr. Murati opined Claimant suffered only 2 percent whole body impairment related to the SI joint.

The Board agrees with and adopts the ALJ's finding Claimant suffers 5 percent whole body impairment as the result of his work-related injury, based upon the opinions of the two Court-ordered medical evaluators, Drs. Pratt and Jones.

⁸ See K.S.A. 44-508(h).

⁹ See *id.*

¹⁰ K.S.A. 44-510e(a)(2)(B)

¹¹ *Johnson v. U.S. Food Service*, 312 Kan 597, 478 P.3d 776 (2021).

3. Is Claimant entitled to an award for work disability?

The ALJ did not analyze or award work disability because he found Claimant had only 5 percent functional impairment. This an incorrect analysis of the issue because it is incomplete. The ALJ did not consider Claimant's overall impairment, including preexisting impairment.

K.S.A. 44-510e(a)(2)(C) states, in part:

An employee may be eligible to receive permanent partial general disability compensation in excess of the percentage of functional impairment ("work disability") if:

(i) The percentage of functional impairment determined to be caused solely by the injury exceeds 7½ % to the body as a whole or the overall functional impairment is equal to or exceeds 10% to the body as a whole in cases where there is preexisting functional impairment; and

(ii) the employee sustained a post-injury wage loss, as defined in subsection (a)(2)(E) of K.S.A. 44-510e, and amendments thereto, of at least 10% which is directly attributable to the work injury and not to other causes or factors.

The Board agrees Claimant suffered 5 percent impairment as the result of his October 20, 2018, accident arising out of and in the course of employment with Respondent. The Board also finds, based upon Dr. Pratt's opinion, Claimant's overall whole body impairment is 10 percent, when including his preexisting condition. Claimant meets the threshold to receive work disability benefits contained in K.S.A. 44-510e(a)(2)(C).

K.S.A. 44-510e(a)(2)(E)(i) states:

To establish post-injury wage loss, the employee must have the legal capacity to enter into a valid contract of employment. Wage loss caused by voluntary resignation or termination for cause shall in no way be construed to be caused by the injury.

There is evidence in the record Respondent could have accommodated Claimant's restrictions. Claimant's wage loss was caused by voluntary resignation, not his work-related injury. Claimant's voluntary resignation prevents him from proving he suffered the 10 percent wage loss required by K.S.A. 44-510e(a)(2)(C).

Claimant's request for an award of work disability is denied.

AWARD

WHEREFORE, it is the finding, decision and order of the Board that the Award of ALJ Brian Brown dated December 11, 2023, is affirmed, in part, modified, in part, and reversed, in part. The ALJ's ruling claimant is not entitled to TTD is reversed. Claimant is entitled to 58.29 weeks of TTD from February 11, 2021, through March 25, 2022. The ALJ's award of PPD is modified to reflect the award of TTD. The ALJ's ruling Claimant suffers 5 percent permanent partial impairment, and all other orders not included in this appeal, are affirmed.

As of May 31, 2024, there would be due and owing to the claimant 58.29 weeks of temporary total disability benefits at the weekly rate of \$645.00 per week or \$37,597.05, plus 18.59 weeks of permanent partial disability benefits at the weekly rate of \$645.00 or \$11,990.55, for a total due and owing of \$49,587.60, less a TTD credit of \$398.73, or \$49,188.87, which is ordered paid in one lump sum less amounts previously paid. All amounts are due and owing. Respondent is entitled to a TTD credit of \$398.73.

IT IS SO ORDERED.

Dated this _____ day of May, 2024.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: (Via OSCAR)

Kala Spigarelli, Attorney for Claimant
Jeff S. Bloskey, Attorney for Respondent and its Insurance Carrier
Hon. Brian Brown, Administrative Law Judge