

**BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD**

**MICHAEL ADDEN**

Claimant

v.

**TMT KC, LLC**

Respondent

AP-00-0482-499

CS-00-0476-054

and

**OLD REPUBLIC INSURANCE CO.**

Insurance Carrier

**ORDER**

Respondent and Insurance Carrier (Respondent) appeal the April 8, 2024, Order issued by Administrative Law Judge (ALJ) Troy A. Larson.

**APPEARANCES**

Zachary A. Kolich appeared for Claimant. Jeff S. Bloskey appeared for Respondent.

**RECORD AND STIPULATIONS**

The Appeals Board adopted the same stipulations and considered the same record as the ALJ, consisting of the Transcript of Preliminary Hearing, held August 8, 2023; the Transcript of Preliminary Hearing, held November 28, 2023; the Transcript of Proceedings, held March 5, 2024, including Claimant's Exhibit 1 and Respondent's Exhibits A-C; the Transcript of Continuation of Preliminary Hearing by Evidentiary Deposition of Michael W. Adden, taken March 21, 2024; the transcript of Deposition of Alyssa Williams, taken March 11, 2024; the transcript of Deposition of Christie Williams, taken March 11, 2024, including Exhibits 1-2; after overruling the objections; the transcript of Deposition of Craig Manning, taken March 11, 2024, including Exhibits 1-2; the narrative report of Dr. Jakoi, dated October 19, 2023, concerning his Court-ordered independent medical examination; the narrative report of Dr. Lingenfelter, dated January 15, 2024, concerning his Court-ordered independent medical examination; the pleadings and orders contained in the administrative file; and the parties' briefs.

**ISSUES**

1. Is this matter covered by the Kansas Workers Compensation Act?

2. Did Claimant prove he sustained personal injuries to his back from an accident arising out of and in the course of his employment with Respondent?
3. Did Claimant prove he either provided proper notice or Respondent had actual knowledge of Claimant's injuries?
4. Did the ALJ err in awarding temporary total disability (TTD) benefits in the absence of medical evidence stating Claimant was incapable of working?

### **FINDINGS OF FACT**

Claimant worked for Respondent as a driver for approximately one year. Claimant drove a moving truck, and loaded and unloaded furniture and other items with a coworker. Claimant last worked for Respondent on May 29, 2023.

Respondent has offices in Overland Park, Kansas and Kansas City, Missouri. Claimant testified he interviewed at the Kansas City, Missouri office during his hiring process. Claimant could not recall if he received an offer of employment in the Kansas City, Missouri office. Claimant testified he was "onboarded" at the Overland Park, Kansas office, where he completed new hire paperwork, downloaded the payroll app onto his phone, and received training. Claimant also received his instructions from the Overland Park, Kansas location, and picked up and dropped off his moving truck from the Overland Park, Kansas location. Claimant performed work in Kansas and Missouri, and estimated 85-90% of his work was performed in Kansas.

Christie Williams, Respondent's Human Resources and Safety Manager, was not involved in Claimant's hiring. Craig Manning, Respondent's Operations Manager from March 2021 through July 2023 and Claimant's direct supervisor, confirmed Claimant interviewed at the Kansas City, Missouri location. Mr. Manning completed Claimant's new hire paperwork with Claimant in the Overland Park, Kansas location. Mr. Manning thought Claimant was offered a job, and accepted the offer, in the Kansas City, Missouri location. Mr. Manning also testified completing the onboarding process was mandatory, and no employees would be allowed to start work without completing the process.

On March 25, 2023, Claimant was assigned a residential moving job. Claimant was not certain where the job was located, but thought it involved moving to a location in Kansas. Respondent's records of the job indicate it started and ended in Missouri. Claimant testified he felt back pain, tingling and achiness while moving a refrigerator down stairs, but continued working. Claimant also moved a treadmill up stairs, and felt tingling and pain in the right shoulder. Claimant completed his work and went home. Claimant

testified he called Mr. Manning and said his body “did not feel right.”<sup>1</sup> Claimant did not tell Mr. Manning he felt symptoms while working. Claimant testified he did not know why his body did not feel right.

Claimant testified he took the rest of the weekend off and rested. Claimant was in constant pain, with more aches in the upper back and shoulder than before March 25. On March 28, Claimant woke up and could not move. Claimant’s mother called for an ambulance, and Claimant was transported to University Health Lakewood Medical Center Emergency Department. Claimant sent Mr. Manning a text advising he thought he ate something bad and spent the evening vomiting. Claimant did not mention a work-related accident or injury. Mr. Manning replied, saying he would see Claimant the following day.

Mr. Manning testified Claimant also presented at the office on March 28 in obvious pain, which Claimant denied. According to Mr. Manning, Claimant said he slept wrong and played in a softball tournament the preceding weekend. Mr. Manning also testified he asked Claimant if he hurt himself while working on March 25, and Claimant said no. Claimant denied telling Mr. Manning he hurt himself playing softball. Claimant also denied telling Mr. Manning he hurt himself while working. Mr. Manning completed a written statement a few months after his alleged conversation with Claimant, purporting to report verbatim what Claimant said.

According to the records of University Health, on March 28, 2023, Claimant arrived at 2:25 p.m. by wheelchair accompanied by family. Claimant reported having a lump in the middle of his back for three months, with increased back pain and right shoulder pain since the morning of March 28. Claimant denied having a recent trauma or recent injury. Claimant also reported right flank pain and vomiting. Claimant said he had chronic right shoulder pain, which he related to being a baseball pitcher and he said prior chiropractic modalities were not effective. Claimant reported he worked for a moving company and moved heavy objects. Examination of the back did not reveal tenderness, and range of motion of the right shoulder was limited due to pain. A CT scan of the abdomen revealed a small hiatal hernia, and an x-ray of the right shoulder was negative for acute fracture or dislocation. Claimant was diagnosed with abdominal pain, vomiting blood, chronic right shoulder pain and right-sided back pain. Claimant was told to follow up with University Health’s orthopedic and family practice clinics, and an MRI of the right shoulder was recommended.

Claimant testified he called or texted Mr. Manning while he was in the Emergency Department on March 28. The record includes a text from Claimant to Mr. Manning sent at 9:22 p.m. on March 28 advising Claimant could not sit without being in pain, and a physician said Claimant needed extremely light duty. Claimant sent subsequent texts to

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<sup>1</sup> Trans. of Proceedings, at 11.

Mr. Manning advising of his work status. None of the text messages report a work-related accident or injuries.

On April 5, 2023, Claimant was seen at University Health Family Medicine Center. Claimant reported right-sided shoulder pain, back pain and vomiting blood. Claimant said he worked as a mover, but denied having an acute trauma. Claimant reported seven to eight years of chronic shoulder pain, which had worsened over the last eight days to the point he could not use his arm. Claimant said his prior symptoms were alleviated by chiropractic treatment. Claimant also reported an eight-day history of mid-thoracic pain, and vomiting blood three times on March 28. The physician noted the CT scan indicated a small hiatal hernia, and paraspinal muscle spasms were found on examination. Claimant was diagnosed with shoulder pain and referred to an orthopedist.

Claimant was seen by Dr. Luallin at University Health Orthopedic and Sport Medicine on April 10, 2023. Claimant reported having right shoulder pain for years, with severe symptoms for three weeks and upper back to mid-back pain. Claimant also reported instability of the right shoulder. Claimant did not report a work-related accident or injury. Examination was notable for pain with impingement signs at the right shoulder, and tenderness of the mid-thoracic spine. X-rays of the right shoulder revealed a flat greater tuberosity and type I acromion, x-rays of the cervical spine indicated a straightening of the normal lordotic curve, and x-rays of the thoracic spine revealed possible anterior wedging at T7. An MRI of the shoulder was recommended.

Claimant testified he was next seen at Menorah Medical Center on April 21, 2023, where he reported a one-month history of shoulder and right upper back pain, which progressively worsened. Claimant denied other accidents caused his condition to worsen.

Based on Claimant's periodic text messages advising of his light-duty work status, Respondent placed Claimant in an office position in May 2023. Claimant worked in this position until May 28, 2023. Claimant wore an arm sling while working the office position. Respondent's staff accountant, Alyssa Williams, testified Claimant told her he injured his arm playing softball, and never said he hurt his arms or shoulder while working. Christie Williams testified Claimant never reported suffering a work-related injury. Alyssa Williams, Christie Williams and Mr. Manning testified they first received notice Claimant was alleging he sustained a work-related injury or wanted workers compensation benefits when Claimant's counsel's letter of representation was received in June 2023.

Claimant also testified he returned to University Health Orthopedics and Sports Medicine on June 12, 2023. Claimant said his pain started in March 2023 without a specific event, but he moved furniture two days before the onset of his symptoms. Claimant also reported prior intermittent achiness in his right shoulder from playing baseball before March 25. The records from the June 12 visit are not in evidence, but other medical reports state Dr. Luallin diagnosed a reverse Hill-Sachs deformity at the right

shoulder, and referred Claimant to Dr. Cil for surgery. Dr. Cil performed the surgery on September 15, 2023. Claimant testified following the surgery, he experienced seizures and mental problems affecting his memory.

Dr. Poppa evaluated Claimant at his attorney's request on July 3, 2023. Claimant reported injuries to his right shoulder and spine from a work-related accident on March 25, 2023. Claimant denied a history of prior significant injuries to the right shoulder, and received conservative treatment in the past for low back injuries. According to Dr. Poppa, Claimant said he injured his shoulder and spine while moving a treadmill at work. Claimant's course of treatment was reviewed. Dr. Poppa diagnosed an acute strain/biceps tendinosis; supraspinatus, infraspinatus and subscapularis tendinosis with probable intrasubstance tear/rotator cuff syndrome, internal derangement; and injuries to the thoracic spine and paraspinous muscles. Dr. Poppa thought all of Claimant's conditions were caused by the work-related accident. Additional treatment was recommended. Dr. Poppa took Claimant off work until he was seen by an orthopedist.

Dr. Jakoi performed a Court-ordered independent medical examination of Claimant's spine on October 19, 2023. Claimant reported pain spanning his entire back, which started on March 25, 2023, while carrying a treadmill. Claimant stated the pain was initially in the mid-back, but later extended to the neck and down to the legs. Examination was notable for limited range of motion of the lumbar spine, pain in the mid-thoracic region and mild tenderness to palpation. Straight-leg raise testing was negative bilaterally, sensation was normal and Claimant had a normal gait. An MRI was interpreted as showing a subacute compression fracture at T7 with 10-20% endplate height loss. Dr. Jakoi thought Claimant sustained work-related injuries from moving a heavy couch and large furniture. Physical therapy was recommended for the back.

Dr. Lingenfelter performed a Court-ordered independent medical examination of Claimant's right shoulder on January 15, 2024. Claimant reported he injured his right shoulder while moving a treadmill on March 25, 2023, and had disabling pain the following Tuesday. Dr. Lingenfelter interpreted the MRI of the right shoulder as showing acute humeral head edema with a reverse Hill-Sachs deformity; rotator cuff degenerative changes in the supraspinatus tendon; and a possible intersubstance partial split. No partial or full-thickness tears were seen. Dr. Lingenfelter noted Claimant told Dr. Cil he had prior achiness from playing baseball, which worsened while lifting a refrigerator and treadmill. Claimant also reported episodes where the shoulder dislocated, and Dr. Lingenfelter noted preexisting laxity of the shoulder was confirmed in the surgery. Based on Claimant's history and report of the onset of symptoms, Dr. Lingenfelter did not believe work activities would have caused an acute reverse Hill-Sachs lesion because of the amount of pain such a lesion would produce. Dr. Lingenfelter believed Claimant's preexisting shoulder instability caused the lesion, and work aggravated a preexisting condition.

Following a preliminary hearing, ALJ Larson issued the Order dated April 8, 2024. First, ALJ Larson ruled this matter was covered by the Kansas Workers Compensation Act because Claimant's principal place of employment was Respondent's Overland Park, Kansas, facility. With regard to prevailing factor, ALJ Larson adopted the conclusions of the Court-ordered physicians, and concluded Claimant proved he sustained a work-related back injury requiring physical therapy, but not a compensable shoulder injury because it was an aggravation. Finally, ALJ Larson found Claimant satisfied the notice requirement because Respondent had actual knowledge Claimant sustained an injury on March 28, 2023, and Respondent did not need to know the actual cause of the injury under the plain language of the notice statute. Respondent was ordered to pay TTD compensation and to provide a list of two physicians from which Claimant would select one to provide authorized treatment for the back. These review proceedings follow.

#### **PRINCIPLES OF LAW AND ANALYSIS**

Respondent argues the Order is erroneous. First, Respondent argues the Kansas Workers Compensation Act does not apply because Claimant was hired in Missouri and his principal place of employment was Missouri. Second, Respondent argues Claimant did not prove he sustained a back injury arising out of and in the course of employment because Claimant's descriptions of the alleged accident varied, and the medical records supporting causation are based on an erroneous history. Third, Respondent argues Claimant failed to prove he either provided timely notice or the employer had actual knowledge. Finally, Respondent argues the award of temporary total disability compensation is erroneous because no medical evidence supports finding Claimant temporarily and totally disabled.

Claimant argues the Order was correctly decided and should be affirmed. Claimant also argues the Board does not have jurisdiction to consider the temporary total disability issue.

It is the intent of the Legislature the Workers Compensation Act be liberally construed only for the purpose of bringing employers and employees within the provisions of the Act.<sup>2</sup> The provisions of the Workers Compensation Act shall be applied impartially to all parties.<sup>3</sup> The burden of proof shall be on the employee to establish the right to an award of compensation, and to prove the various conditions on which the right to compensation depends.<sup>4</sup>

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<sup>2</sup> See K.S.A. 44-501b(a).

<sup>3</sup> See *id.*

<sup>4</sup> See K.S.A. 44-501b(c).

**1. This matter is covered by the Kansas Workers Compensation Act because Claimant was hired in Kansas and Claimant's principal place of employment was Kansas.**

The Board first considers whether this matter is covered by the Kansas Workers Compensation Act. It is axiomatic the Kansas Workers Compensation Act applies to injuries sustained within Kansas. Claimant testified he thought he was injured while moving heavy items in Kansas. Claimant also testified his memory is faulty. Respondent's records maintained in the ordinary course of business state the job where the accident occurred took place in Missouri. Based on the current record, the undersigned finds the more credible evidence establishes the accident occurred in Missouri.

The Workers Compensation Act applies to injuries suffered outside Kansas where (1) the principal place of employment is within Kansas, or (2) the contract of employment was made within Kansas, unless the contract otherwise provides.<sup>5</sup> In determining the principal place of employment for truck drivers, the Board has looked to where the employee earned the majority of the employee's income,<sup>6</sup> or where the employee's "base of operations" was located.<sup>7</sup> To determine the location where the contract of employment was made, the Board looks to the where the last act necessary to form the employment contract was performed.<sup>8</sup> The Board is mindful of the charge from K.S.A. 44-501b(a) to liberally construe the Act for the purpose of bringing employers and employees within its protections.

The record indicates Claimant was hired in Kansas and his principal place of employment was within Kansas. Claimant testified the majority of his work was performed in Kansas, which was not directly refuted by Respondent's witnesses. All the parties agree Claimant worked in Respondent's Overland Park, Kansas office, and Claimant received his instructions, truck and work assignments in Kansas. Claimant proved his principal place of employment was in Kansas. Moreover, both Claimant and Mr. Manning agreed Claimant was onboarded in Kansas, and could not perform work for Respondent without completing the onboarding process. Thus, it appears the last act needed to form the employment relationship was the onboarding process, which occurred in Kansas. As a

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<sup>5</sup> See K.S.A. 44-506.

<sup>6</sup> See *Byrd v. Martin Transportation*, Docket No. 1,052,968, 2012 WL 3279496, at \*3 (Kan. WCAB July 25, 2012),

<sup>7</sup> See *Wilson v. Schneider National, Inc.*, Docket No. 1,051,129, 2010 WL 4009131, at \*3 (Kan. WCAB Sept. 2, 2010).

<sup>8</sup> See *Speer v. Sammons Trucking*, 35 Kan. App. 2d 132, 140-41, 128 P.3d 984 (2006).

result, Kansas is also the state of hire. The Kansas Workers Compensation Act applies to this matter.

**2. Claimant proved he sustained an injury to his middle back from an accident arising out of and in the course of his employment with Respondent.**

The next issue is whether Claimant proved he sustained compensable injuries to his back from an accident arising out of and in the course of his employment with Respondent on March 25, 2023. The compensability of the right shoulder was not raised as an issue, and is not addressed herein. To be compensable, an accident must be identifiable by time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift.<sup>9</sup> The accident must be the prevailing factor in causing the injury, and “prevailing factor” is defined as the primary factor compared to any other factor, based on consideration of all relevant evidence.<sup>10</sup> An accidental injury is not compensable if work is a triggering factor or if the injury solely aggravates, accelerates or exacerbates a preexisting condition or renders a preexisting condition symptomatic.<sup>11</sup>

Essentially, Claimant testified he sustained injuries while moving a couch and treadmill as part of his work for Respondent. The coworker present with Claimant did not testify. Claimant did not initially report the event to Respondent or the health care providers he saw, but Claimant later reported to examining physicians he was lifting heavy items when he developed symptoms of an injury. A treadmill was not listed in Respondent’s records of items to be moved on March 25, 2023, but Christie Williams admitted she did not know whether drivers would move items without making revisions. Based on the current record, the undersigned finds the traumatic event of March 25, 2023, occurred and produced symptoms of injuries to the back.

The next consideration is whether Claimant proved the accident of March 25, 2023, was the primary factor, compared to all other factors, causing the alleged injury to the middle back. The health care providers at University Health System focused on Claimant’s right shoulder, although paraspinal muscle spasms were noted. It does not appear University Health System rendered a causation opinion, or were told of an event occurring on March 25, 2023. Dr. Poppa, Claimant’s evaluating physician, thought the accident caused injuries to the thoracic spine and paraspinals. Dr. Jakoi, one of the Court-ordered physicians, thought Claimant sustained a work-related back injury and recommended treatment. Dr. Lingenfelter did not comment on Claimant’s back. Like ALJ Larson, the

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<sup>9</sup> See K.S.A. 44-508(d).

<sup>10</sup> See K.S.A. 44-508(d), (g).

<sup>11</sup> See K.S.A. 44-508(f)(2).



undersigned finds the opinions of the Court-ordered physician particularly credible, and concludes Claimant met his burden of proving the accident was the prevailing factor causing Claimant's mid-back injuries.

**3. Claimant did not prove he gave proper notice to Respondent or Respondent had actual knowledge of an injury, and the request for compensation must be denied.**

The next issue is whether Claimant proved he gave timely notice to Respondent. Where an employee alleges personal injury from an accident arising out of and in the course of employment, the employee must give the employer notice by the earliest of twenty days from the date of accident, twenty days from the date medical treatment is sought when the employee continues to work for the employer, or ten days from the last date worked if the employee no longer works for the employer, whichever is earliest.<sup>12</sup> Notice must be provided either to the employer's designee or to a supervisor or manager, and must include the time, date, place and particulars, and must evidence the employee is seeking workers compensation benefits or sustained a work-related injury.<sup>13</sup> The notice requirement is waived if the employee proves the employer had actual knowledge of the injury.<sup>14</sup>

Twenty days from the date of accident, March 25, 2023, is April 14, 2023. Twenty days from the date Claimant first sought medical treatment, March 28, 2023, is April 17, 2023. Ten days from Claimant's last day worked, May 28, 2023, is June 7, 2023. Claimant must prove he gave notice either of a work-related injury or was seeking workers compensation benefits by April 14, 2023, unless Respondent had actual knowledge. Claimant admitted he did not tell Respondent he sustained injuries from a work-related accident or was seeking workers compensation benefits while working for Respondent. Respondent's witnesses confirmed they did not receive notice of a work-related accident or Claimant's desire for workers compensation benefits until Claimant's counsel's letter of representation was received after April 14, 2023. Claimant did not prove he provided notice under K.S.A. 44-520(a).

The notice requirement, however, shall be waived if the employer had actual knowledge of the injury. The Appeals Board previously noted the Act does not define

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<sup>12</sup> See K.S.A. 44-520(a).

<sup>13</sup> See K.S.A. 44-520(a)(2).

<sup>14</sup> See K.S.A. 44-520(b).

“actual knowledge,” but “notice” and “knowledge” were synonymous.<sup>15</sup> Casual conversations about pain or symptoms has been held insufficient to satisfy proof of notice to the employer,<sup>16</sup> and an employer does not have a duty to rule out a work-related cause of an employee’s pain.<sup>17</sup> Rather, the employer must either have been given expressly or impliedly facts sufficiently specific to impose the duty to investigate further and to furnish a natural clue to the ultimate fact.<sup>18</sup> Where an employer only knew an employee was limping more than usual, a single Board Member held this was insufficient to give cause to investigate because there was no suggestion of a work injury.<sup>19</sup>

Respondent did not have actual knowledge of the injury, as required in K.S.A. 44-520(b). While Claimant denied telling Respondent he injured himself playing softball or baseball, Claimant initially reported he was ill after eating something bad. Claimant reported shoulder problems and problems sitting, but did not provide a suggestion of a work injury. Claimant regularly told Respondent he was under medical restrictions, but did not give a suggestion or hint he hurt himself while working. Claimant reported pain, and wore a sling while working at the office, but reports of symptoms do not constitute notice or create a duty to investigate. By the barest of margins, the undersigned concludes Respondent was not given expressly or impliedly information about a possible work-related injury creating a duty to investigate. In the absence of this information, Respondent cannot have actual knowledge. As a result, Claimant’s request for workers compensation benefits must be denied.

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<sup>15</sup> See *Gilkey v. State of Kansas*, No. 1,066,859, 2016 WL 453036, at \*7 (Kan. WCAB Jan. 26, 2016); see also *Cunningham v. Quivira, Inc.*, No. 1,084,856, 2018 WL 6587520, at \*5 (Kan. WCAB Nov. 5, 2018); *Wakes v. Budget Blinds*, No. 1,083,446, 2018 WL 6587517, at \*3 (Kan. WCAB Nov. 27, 2018).

<sup>16</sup> See *Camp v. Bourbon County*, No. 104,784, 2012 WL 3135512, at \*9 (Unpublished Kan. App. opinion filed July 27, 2012); see also *Gardner v. Certainteed Corp.*, No. 1,064,307, 2013 WL 4051836, at \*5 (Kan. WCAB July 25, 2013) (citing *Mendoza v. American Warrior Inc.*, No. 1,018,561, 2005 WL 600055 (Kan. WCAB Feb. 1, 2005); *Ball v. Overnite Transportation Corp.*, Nos. 219,411 & 219,442, 1997 WL 377949 (Kan. WCAB June 19, 1997)).

<sup>17</sup> See *Cunningham*, 2018 WL 6587520, at \*4.

<sup>18</sup> See *Wakes*, 2018 WL 6587517, at \*3.

<sup>19</sup> See *Cunningham*, 2018 WL 6587520, at \*6.

**4. The Appeals Board does not possess authority to review the TTD issue independently on its merits and the issue is moot.**

For completeness, the undersigned addresses the TTD issue raised by Respondent. The Board possesses the authority to review preliminary orders on disputed issues of whether the employee suffered an accident, repetitive trauma or resulting injury; whether the injury arose out of and in the course of employment; whether notice was given; or whether certain defenses apply.<sup>20</sup> “Certain defenses” are issues concerning the compensability of the injury under the Workers Compensation Act.<sup>21</sup> If jurisdiction under K.S.A. 44-534a is not present, it is appropriate to dismiss the appeal.<sup>22</sup>

Respondent argues the preliminary award of TTD should be denied because Claimant did not present evidence he was temporarily and totally disabled. This issue is not a compensability issue the Board may review under K.S.A. 44-534a. Accordingly, this issue may not be reviewed independently by the Board. Moreover, in light of the undersigned’s conclusion Claimant did not meet the notice requirements of K.S.A. 44-520, this issue is moot.

**DECISION**

**WHEREFORE**, it is the finding, decision and order of the undersigned Board Member the Order issued by ALJ Larson, dated April 8, 2024, is affirmed in part and reversed in part. Respondent’s application for review of the TTD issue separately is dismissed due to lack of jurisdiction. This matter is covered by the Kansas Workers Compensation Act, and Claimant proved he sustained a compensable mid-back injury from an accident arising out of and in the course of his employment with Respondent. Claimant failed to prove he provided proper notice or Respondent had actual knowledge, and Claimant’s request for benefits is denied. The preliminary award of compensation is reversed.

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<sup>20</sup> See K.S.A. 44-534a(a)(2).

<sup>21</sup> See *Carpenter v. National Filter Service*, 26 Kan. App. 2d 672, 675, 994 P.2d 641 (1999).

<sup>22</sup> See *id.* at 676.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of August, 2024.

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**WILLIAM G. BELDEN  
APPEALS BOARD MEMBER**

c: Via OSCAR

Zachary A. Kolich  
Jeff S. Bloskey  
Hon. Troy A. Larson