

**BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD**

**SHANA DOBSON** )  
Claimant )  
V. )  
 ) AP-00-0493-999  
**STATE OF KANSAS** ) CS-00-0485-307  
Respondent )  
AND )  
 )  
**STATE SELF-INSURANCE FUND** )  
Insurance Carrier )

**ORDER**

Claimant appealed the January 6, 2026, Award by Administrative Law Judge (ALJ) Bruce E. Moore. The Board heard oral argument on May 21, 2026.

**APPEARANCES**

John C. Nodgaard appeared for Claimant. Jeffery R. Brewer appeared for Respondent and its insurance carrier. Stacie Del Rio appeared for the State Self Insurance Fund.

**RECORD AND STIPULATIONS**

The Board adopted the same stipulations and considered the same record as did the ALJ, consisting of the transcript of Regular Hearing from August 14, 2025, with exhibits attached; Evidentiary Deposition of Jennifer C. Cheng, M.D., taken July 15, 2025, with exhibits attached; Evidentiary Deposition of Pedro A. Murati, M.D., taken August 19, 2025, with exhibits attached; Evidentiary Deposition of Michael A. Johnson, M.D., taken November 24, 2025, with exhibits attached; stipulated evidence consisting of articles about tick bites and the effects; the documents of record filed with the Division and the parties' briefs.

**ISSUES**

1. Did Claimant provide timely and sufficient notice of accidental injury?

2. Did Claimant sustain personal injury by accident arising out of and in the course of employment?
3. What is the nature and extent of Claimant's permanent impairment?

### FINDINGS OF FACT

Claimant works for The Department of Children and Family Services as an adult protection specialist. Her job is to investigate allegations of abuse, neglect, and financial exploitation, as well as self-neglect of vulnerable adults in Kansas. Claimant's home base is Newton, Kansas. Her territory is Harvey County. She occasionally goes to McPherson County to fill-in for co-workers. Claimant's job, at times, requires her to do home visits.

On May 7, 2024, Claimant was conducting a home visit with a client in McPherson County. The home was in a rural area of the county in a wooded area. The inside of the home was not clean or well kept. There was an animal in the home. While Claimant was interviewing the client, she claims to have felt a bite at the nape of her neck. She felt her neck and removed what she believed was a tick. She described a tick with a white spot on its back. She handed it to the client who put it in an ashtray. Claimant testified she had a very, very small red mark on her neck after this bite. Claimant completed her interview and returned to the office.

When Claimant returned to the office, she told her co-worker, Ruth Meyer, she was bit by a tick at a home interview.

Later on May 7, Claimant had a debriefing meeting with her supervisor, Heather Needham, to discuss her home visits. She told her supervisor she was bit by a tick when she conducted a home visit that day. She did not report any injury as a result of this tick bite. Claimant acknowledges she did not tell Heather she wanted to file a workers compensation claim and she did not request medical treatment.

According to Claimant, she started having extreme stomach pains when she would consume any mammal products or byproducts within 2 weeks of the tick incident. The stomach pains eventually turned into vomiting and severe diarrhea. She also got sick from breathing in barbecue meats. Her fingers would go numb, she had chest pain, heart palpitations, shortness of breath, and swelled lips. Claimant also experienced these symptoms from eating dairy products.

On May 28, 2024, Claimant sought medical treatment at her primary care physician's office and saw Rachael Porter, a physician assistant. Claimant presented with severe abdominal symptoms pain, vomiting, constipation and diarrhea. She did not report the tick

bite. Claimant was referred to Wesley Medical Center for diagnostic testing, which included a CT scan.

On May 31, 2024, Claimant saw Dr. Jennifer Cheng, her primary care physician. Claimant described her abdominal symptoms which she had experienced for about 2 weeks. She reported she had been exposed to parasites in her home visits she did for her job. She did not specify a tick bite. The CT scan showed a lipoma in her bowel. Dr. Cheng diagnosed abdominal pain, epigastric, diarrhea and microhematuria. Dr. Cheng recommended she see a gastroenterologist and have colon cancer screening. Labs were ordered and medications provided, with follow-up as needed.

On June 27, 2024, Claimant was seen for follow-up of gastrointestinal (GI) and urine issues. She had not yet seen a gastroenterologist, but had an upcoming appointment. She had not yet had a urology work-up. At this time, Claimant was no longer able to eat dairy, beef, pasta, or bread. She became severely ill after eating beef and cheese. She testified carafate and hyoscyamine medications helped a lot at the maximum dose with meals. Claimant had lost weight. She had a tiny amount of blood in her urine.

Claimant researched her symptoms and concluded she could have developed Alpha-gal syndrome. She reported this information to Dr. Cheng and Claimant was tested for Alpha-gal syndrome. The testing confirmed Claimant had developed Alpha-gal syndrome.

Claimant saw Dr. Cheng on August 28, 2024, for follow-up. Claimant reported she was bit by a lone star tick at work while at the home of a client on May 7, 2024.

On or about August 12, 2024, Claimant reported her diagnosis to Hailey Adams in Human Resources (HR). Claimant was provided with paperwork to complete and return, which she did. In the paperwork Claimant completed, she stated the date supervisor/employer was notified was late June/early July.<sup>1</sup> On August 28, 2024, Claimant had a phone call with an adjustor with the State Self insurance Fund. Claimant vaguely recalled this telephone call. According to the adjustor's notes, Claimant said she did not think the tick bite incident needed to be reported. Claimant acknowledged if it is in the record then she made the statement.<sup>2</sup> A workers compensation claim was filed and subsequently denied.

At the request of her attorney, Claimant was examined by Dr. Murati on December 5, 2024. Dr. Murati diagnosed Claimant with Alpha-gal syndrome and clinical depression.

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<sup>1</sup> R.H. Trans., Resp. Ex. A.

<sup>2</sup> *Id.* at 38.

He opined these conditions were work-related. Dr. Murati opined Claimant had a 41 percent body as a whole impairment.

Dr. Michael Johnson did a records review of Claimant's records on September 2, 2025, at the request of Respondent. Dr. Johnson opined Claimant's condition was not due to a work-related accident. However, if her condition was work-related Claimant had a 16 percent body as a whole impairment.

The ALJ found Claimant failed to establish she acquired and is disabled by an occupational disease. He found Claimant sustained the burden of proof she suffered a personal injury by accident, but not arising out of and in the course of employment. The ALJ did find Claimant sustained her burden of proof that the tick bite was the prevailing factor causing her injury. However, the ALJ found the evidence before the Court failed to establish that Claimant gave notice on May 7, 2024, or that she gave timely notice within 20 days thereafter. Thus, compensation was denied.

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

Claimant argues she is entitled to a 24 percent body impairment. Claimant argues if her testimony is not accurate regarding arising out of and in the course of employment, then Respondent could have provided testimony from Claimant's supervisor, her co-worker Ruth Meyer, or the owner of the property who saw the tick. Respondent chose not to produce such evidence. Additionally, Claimant argues Respondent provided no evidence the tick came from some other location therefore, the weight of the evidence clearly shows the tick bite occurred in the course and scope of her employment. Claimant also argues she satisfied the notice requirement under K.S.A. 44-520 and the ALJ failed to recognize K.S.A. 44-520(a)(4).

Respondent argues that the Award should be affirmed and compensation denied.

"Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record unless a higher burden of proof is specifically required by this act.<sup>3</sup>

The burden of proof shall be on the claimant to establish the claimant's right to an award of compensation and to prove the various conditions which the claimant's right depends. In determining whether the claimant has satisfied his burden of proof, the trier of fact shall consider the whole record.<sup>4</sup>

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<sup>3</sup>See K.S.A.44-508(h).

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

K.S.A. 2022 Supp. 44-520 states:

(a)(1) Proceedings for compensation under the workers compensation act shall not be maintainable unless notice of injury by accident or repetitive trauma is given to the employer by the earliest of the following dates:

(A) 20 calendar days from the date of accident or the date of injury by repetitive trauma;

(B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or

(C) if the employee no longer works for the employer against whom benefits are being sought, 10 calendar days after the employee's last day of actual work for the employer.

Notice may be given orally or in writing.

(2) Where notice is provided orally, if the employer has designated an individual or department to whom notice must be given and such designation has been communicated in writing to the employee, notice to any other individual or department shall be insufficient under this section. If the employer has not designated an individual or department to whom notice must be given, notice must be provided to a supervisor or manager.

(3) Where notice is provided in writing, notice must be sent to a supervisor or manager at the employee's principal location of employment. The burden shall be on the employee to prove that such notice was actually received by the employer.

(4) The notice, whether provided orally or in writing, shall include the time, date, place, person injured and particulars of such injury. It must be apparent from the content of the notice that the employee is claiming benefits under the workers compensation act or has suffered a work-related injury.

(b) The notice required by subsection (a) shall be waived if the employee proves that: (1) The employer or the employer's duly authorized agent had actual knowledge of the injury; (2) the employer or the employer's duly authorized agent was unavailable to receive such notice within the applicable period as provided in paragraph (1) of subsection (a); or (3) the employee was physically unable to give such notice.

(c) For the purposes of calculating the notice period proscribed in subsection (a), weekends shall be included.

When a worker's compensation statute is plain and unambiguous, the courts must give effect to its express language rather than determine what the law should or should not be. The court will not speculate on legislative intent and will not read the statute to add something not readily found in it. If the statutory language is clear, there is no need to

resort to statutory construction.<sup>5</sup>

“Casual conversations about pain or symptoms has been held insufficient to satisfy proof of notice to the employer.”<sup>6</sup>

When viewing Claimant’s evidence in the most favorable light as to notice, the evidence shows Claimant told her supervisor on May 7, 2024, she was bit by a tick while doing a home visit.

Claimant’s remarks could be characterized as a bit more than causal conversation, but it is insufficient to constitute proper notice of injury. Claimant fails to make any indication she is claiming workers compensation benefits or suffered a work-related injury. Claimant simply states she was bit by a tick on a home visit but not report an injury. K.S.A. 44-520(a)(4) is clear, sufficient notice requires the employee must tell the employer workers compensation benefits are being claimed or there was a work-related injury. Claimant did not do so and it is found and concluded proper timely notice as required by K.S.A 44-520(a)(4) was not given.

Claimant’s contention of proper timely notice is further undermined when Claimant completed paperwork to claim worker’s compensation benefits in August 2024. In the paperwork Claimant was asked the date when supervisor/employer was notified of the injury and Claimant’s response was late June/early July. This notification is not within the 20 day notice period. Claimant acknowledges she told an adjustor she did not know if the tick bite needed to be reported.

Based on the evidence, Claimant has failed to prove she gave timely proper notice and Claimant’s request for benefits is denied.

All other issues raised are rendered moot by this decision.

### **AWARD**

**WHEREFORE**, it is the finding, decision and order of the Board the Award of ALJ Bruce E. Moore dated January 6, 2026, is affirmed as to failure to give timely proper notice.

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<sup>5</sup> *Bergstrom v. Spears Manufacturing Company*, 289 Kan. 605, 608, 214 P.3d 676 (2009).

<sup>6</sup> See *Camp v. Bourbon County*, No. 107,784, 2012 WL 3135512 (Unpublished Court of Appeals Opinion filed Jul. 27, 2012); See also *Gardner v. Certainteed Corp.*, No. 1,064,307, 2013 WL 4051836, (Kan. WCAB. Jul. 25, 2013) (citing *Mendoza v. American Warrior, Inc.*, No. 1,018,561, 2005 WL 600055 (Kan. WCAB Feb. 1, 2005); and *Ball v. Overnite Transportation Company*, Nos. 219,441 & 219,442, 1997 WL 377949 (Kan. WCAB Jun. 19,1997).

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of June, 2026.

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

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BOARD MEMBER

c: (Via OSCAR)

John C. Nodgaard, Attorney for Claimant  
Jeffery R. Brewer, Attorney for Respondent and its Insurance Carrier  
Stacie Del Rio, Attorney for State Self-Insurance Fund  
Hon. Bruce E. Moore, Administrative Law Judge