BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD

DJUAN WILLIAMS	)	
Claimant	)	
V.	)	
	)	AP-00-0495-714
INTERNATIONAL PAPER COMPANY	)	CS-00-0473-921
Respondent	)	
AND	)	
	)	
OLD REPUBLIC INS. CO.		
Insurance Carrier	)	
AND	)	
DG LOGISTICS LLC	)	AP-00-0495-716
Respondent	)	CS-00-0491-487
AND	)	
INDEMNITY INS. CO. OF N AMERICA	)	
(INA INS) (CT GEN	)	
Insurance Carrier	)	

ORDER

Claimant appealed the April 14, 2026, Motion Hearing Order entered by Administrative Law Judge (ALJ) Larry Gurney. Djuan Williams appeared Pro Se. James Hess appeared for Respondent International Paper Company and its insurance carrier. David Mosh and John Ryan appeared for Respondent DG Logistics LLC and its insurance carrier.

RECORD AND STIPULATIONS

The Board adopted the same stipulations and considered the same record as the ALJ, consisting of the transcript of the Motion Hearing from April 14, 2026, and the documents of record filed with the Division, including the parties' briefs.

ISSUE

Did the ALJ err in denying Claimant's Motion to Recuse and Disqualify the Administrative Law Judge?

FINDINGS OF FACT

Claimant filed a Motion to Recuse and Disqualify the Administrative Law Judge on February 10, 2026. A hearing on the motion was held on April 14, 2026. K.S.A. 44-523(e)(1) sets forth the procedure and obligations for a party to pursue a motion for an ALJ to recuse himself.

In support of his motion, Claimant argued the decisions rendered by the ALJ were biased and this bias affected the presentation of his evidence. The ALJ specifically asked "Biased' in what way?"[1] Claimant's response was unclear, but seemed to suggest the ALJ was biased in allowing a Respondent to present evidence of a non-compensable claim. Later during the motion hearing, Claimant suggested there was bias because he was a pro se litigant, but this appeared to be directed toward the workers compensation system and not the ALJ. The ALJ inquired if Claimant disagreed with the rulings issued in his claim because the rulings and decisions went against him and were not correct. Claimant responded "That is correct, Your Honor."[2] "I believe that they're not following the rules of K.S.A. statutes under workers' compensation laws.[3]

Claimant admitted the ALJ did not have "any personal animas or any personal bias"[4] toward him. Regarding the ALJ limiting Claimant's ability to make arguments or present evidence, Claimant refused to respond:

> THE COURT: Okay. Has there been a point, at any time, where I've not allowed you to speak or not allowed you to present any kind of a claim or piece of evidence that you want?
>
> MR. WILLIAMS: As far as in -- in that aspect, no comment.
>
> THE COURT: Okay.
>
> MR. WILLIAMS: I don't -- I mean, I just --I don't want to comment on that one.[5]

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[1] M.H. Trans. (Apr. 14, 2026) at 7.

[2] *Id.* at 13.

[3] *Id.* at 8.

[4] *Id.* at 8.

[5] *Id.* at 9.

The ALJ combined these cases for the sole purpose of determining Claimant's request he recuse himself. The ALJ ruled from the bench and also issued a written order declining to recuse himself from both claims stating Claimant's arguments for recusal are "essentially disagreements with prior rulings and decisions issued in these claims".[6] The ALJ concluded Claimant failed to establish "that on account of the personal bias, prejudice or interest of the administrative law judge such party cannot obtain a fair and impartial hearing."[7] At the conclusion of the hearing, and on the record, the ALJ advised Claimant he had ten days to appeal his order and he should review the statute and follow its provisions, including the things he could or should allege in an affidavit in support of his motion.

PRINCIPLES OF LAW AND ANALYSIS

Claimant appealed arguing the ALJ improperly reduced the motion for recusal to a disagreement with prior rulings. Claimant argued the ALJ failed to consider the totality of the circumstances and the ALJ should not be allowed to determine his own recusal.

Both Respondents maintained the ALJ's order should be affirmed, citing Claimant's failure to establish sufficient grounds requiring recusal. In addition, DG Logistics argued Claimant did not file the statutorily required affidavit alleging one or more of the grounds specified under K.S.A. 44-523(e)(4).

K.S.A. 44-523(e) states:

> (e)(1) If a party or a party's attorney believes that the administrative law judge to whom a case is assigned cannot afford that party a fair hearing in the case, the party or attorney may file a motion for change of administrative law judge. A party or a party's attorney shall not file more than one motion for change of administrative law judge in a case. The administrative law judge shall promptly hear the motion informally upon reasonable notice to all parties who have appeared in the case. Notwithstanding the provisions of K.S.A. 44-552, and amendments thereto, the administrative law judge shall decide, in the administrative law judge's discretion, whether or not the hearing of such motion shall be taken down by a certified shorthand reporter. If the administrative law judge disqualifies the administrative law judge's self, the case shall be assigned to another administrative law judge by the director. If the administrative law judge refuses to disqualify the administrative law

[6] ALJ Order at 2.

[7] *Id.* at 2.

> judge's self, the party seeking a change of administrative law judge may, within 10 days of the refusal, file an appeal with the workers compensation appeals board.
>
> (2) The party or a party's attorney shall file with the workers compensation appeals board an affidavit alleging one or more of the grounds specified in subsection (e)(4).
>
> (3) If a majority of the workers compensation appeals board finds legally sufficient grounds, it shall direct the director to assign the case to another administrative law judge.
>
> (4) Grounds which may be alleged as provided in subsection (e)(2) for change of administrative law judge are that:
> (A) The administrative law judge has been engaged as counsel in the case prior to the appointment as administrative law judge.
> (B) The administrative law judge is otherwise interested in the case.
> (C) The administrative law judge is related to either party in the case.
> (D) The administrative law judge is a material witness in the case.
> (E) The party or party's attorney filing the affidavit has cause to believe and does believe that on account of the personal bias, prejudice or interest of the administrative law judge such party cannot obtain a fair and impartial hearing. Such affidavit shall state the facts and the reasons for the belief that bias, prejudice or an interest exists.
>
> (5) In any affidavit filed pursuant to subsection (e)(2), the recital of previous rulings or decisions by the administrative law judge on legal issues or concerning prior motions for change of administrative law judge filed by counsel or such counsel's law firm, pursuant to this subsection, shall not be deemed legally sufficient for any belief that bias or prejudice exists.
>
> (6) Notwithstanding the provisions of K.S.A. 44-556, and amendments thereto, no interlocutory appeal to the court of appeals of the workers compensation appeals board's decision regarding recusal shall be allowed while the resolution of the claim for compensation is pending before an administrative law judge or the workers compensation appeals board.

When the plain language of a statute is clear and unambiguous, a court is required to apply the statute as written.[8] K.S.A. 44-523(e)(2) requires the moving party to file an affidavit setting forth one or more grounds specified in subsection (e)(4) in support of their request for recusal of the ALJ. Claimant did not file an affidavit. Because no affidavit was filed by Claimant, the Board is required to deny Claimant's Motion to Recuse and Disqualify

[8] *Bergstrom v. Spears Manufacturing Company*, 289 Kan. 605, 214 P.3d 676 (2009).

the Administrative Law Judge. Because of the Board's ruling, it is unnecessary to address whether Claimant proved he cannot obtain a fair hearing because of personal bias, prejudice or interest pursuant to K.S.A. 44-523(e)(4)(E).

DECISION

WHEREFORE, it is the finding, decision and order of the undersigned Board Members the Order of Administrative Law Judge Larry Gurney, dated April 14, 2026, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of June, 2026.

_____
BOARD MEMBER

_____
BOARD MEMBER

_____
BOARD MEMBER

c: Via OSCAR

Djuan Williams, Pro Se Claimant
James Hess, Attorney for International Paper
David Mosh, Attorney for DG Logistics LLC
John Ryan, Attorney for DG Logistics LLC
Larry Gurney, Administrative Law Judge