

**Commonwealth Of Kentucky
Court of Appeals**

NO. 2003-CA-000959-WC

CHARLES ANTHONY MATHENY

APPELLANT

v. PETITION FOR REVIEW OF A DECISION
OF THE WORKERS' COMPENSATION BOARD
ACTION NO. WC-00-92075

A.C. BUCKHORN MATERIAL HANDLING;
HON. J. LANDON OVERFIELD,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION

AFFIRMING

** ** * * *

BEFORE: McANULTY AND SCHRODER, JUDGES; AND HUDDLESTON, SENIOR
JUDGE.¹

SCHRODER, JUDGE. The function of the Court of Appeals in
reviewing a decision of the Workers' Compensation Board is to
correct the Board only where the Court perceives the Board has
overlooked or misconstrued statutes, precedent, or has

¹ Senior Judge Joseph R. Huddleston sitting as Special Judge by assignment of
the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution
and KRS 21.580.

flagrantly erred in assessing the evidence so as to cause a gross injustice. Western Baptist Hospital v. Kelly, Ky., 827 S.W.2d 685 (1992). We find no such errors and therefore affirm the decision of the Workers' Compensation Board.

McANULTY, JUDGE, CONCURS.

HUDDLESTON, SENIOR JUDGE, CONCURS IN RESULT ONLY.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE, A.C.

BUCKHORN MATERIAL HANDLING:

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