

**Commonwealth Of Kentucky**

**Court of Appeals**

NO. 2004-CA-000767-WC

DOUGLAS LYNN SIGERS

APPELLANT

v. PETITION FOR REVIEW OF A DECISION  
OF THE WORKERS' COMPENSATION BOARD  
ACTION NO. WC-00-67137

JEFF LEAR TRUCKING;  
HON. J. KEVIN KING,  
ADMINISTRATIVE LAW JUDGE;  
AND WORKERS' COMPENSATION BOARD

APPELLEES

OPINION  
AFFIRMING

\*\* \*\* \* \* \*

BEFORE: BARBER, McANULTY, AND MINTON, JUDGES.

BARBER, JUDGE: Appellant, Douglas Lynn Sigers (Sigers), has petitioned for review of a decision of the Workers' Compensation Board (WCB) that refused to impose the whole cost of the proceedings on Jeff Lear Trucking (Lear Trucking) pursuant to KRS 342.310(1). Because the imposition of the whole cost of the proceedings under that statute is discretionary with the body

making the decision, and because the WCB did not abuse that discretion, we affirm.

Under KRS 342.310 the WCB is authorized to impose on a party that brings, prosecutes or defends an action without reasonable grounds the "whole cost of the proceedings." The statute states that the WCB "may" take such an action. Thus, it is clear that the determination about whether a party should be assessed this penalty is within the discretion of the WCB.

In an effort to bolster his argument that sanctions should have been imposed, Sigers contends that the WCB has misconstrued the statute and its accompanying administrative regulations. We disagree. A reading of the WCB's Opinion shows that it considered the statute and case law as well as the facts of Sigers' case and determined that sanctions, although a "close call," would not be appropriate.

We cannot say that the WCB abused its discretion in applying the law and thus affirm its decision.

ALL CONCUR.

BRIEF FOR APPELLANT:

Michael D. Lindsey  
Bowling Green, Kentucky

BRIEF FOR APPELLEE, JEFF LEAR  
TRUCKING:

R. Christion Hutson  
Paducah, Kentucky