

**Commonwealth Of Kentucky
Court of Appeals**

NO. 2004-CA-001581-WC

FLYNN'S CONCRETE
FOUNDATION CONSTRUCTION

APPELLANT

v. PETITION FOR Review OF A DECISION
OF THE WORKERS' COMPENSATION BOARD
ACTION NO. WC-03-91779

ALMA MAYFIELD, SURVIVING
SPOUSE OF JERRY MAYFIELD;
HONORABLE J. LANDON OVERFIELD,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION
AFFIRMING

** ** * * *

BEFORE: DYCHE, KNOPF, AND MINTON, JUDGES.

DYCHE, JUDGE: The sole issue in this case is whether Alma Mayfield was married to Jerry Mayfield at the time of his death in a work-related accident, and therefore entitled to surviving spouse benefits pursuant to Ky. Rev. Stat. 342.750(1)(a). The Administrative Law Judge found that no valid marriage had taken place. The Workers' Compensation Board reversed, holding that the marriage was not prohibited by statute, and not void *ab*

initio. The Board held that the marriage was, "at most. . . an imperfect marriage; any determination as to its invalidity must come from a court of competent jurisdiction."

We now have a final opinion of this Court affirming the decision of the Pulaski Circuit Court that the marriage between Alma and Jerry was valid. No. 2004-CA-000340-MR, rendered March 4, 2005. We therefore find no error by the Board in assessing the evidence, or any error in applying the law to the facts. Western Baptist Hospital v. Kelly, 827 S.W.2d 685 (Ky. 1992).

The opinion of the Workers' Compensation Board is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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