

**Commonwealth Of Kentucky
Court of Appeals**

NO. 2006-CA-000076-WC

RICHARD BAKER

APPELLANT

v. PETITION FOR REVIEW OF A DECISION
OF THE WORKERS' COMPENSATION BOARD
ACTION NO. WC-00-93851

INDUSTRIAL POWDER COATING;
IRENE STEEN, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD

APPELLEES

OPINION
AFFIRMING

** ** * * * * *

BEFORE: DYCHE, AND VANMETER, JUDGES; BUCKINGHAM, SENIOR JUDGE.¹

DYCHE, JUDGE: The sole question before us is whether, upon remand from the Workers' Compensation Board, the Administrative Law Judge's opinion complied with the directions of the Board. The Board's opinion finds that she has; we are loath to disagree.

¹ Senior Judge David C. Buckingham, sitting as Special Judge by Assignment of the Chief Justice pursuant to Section 110 (5)(b) of the Kentucky Constitution and KRS 21.580.

Appellant somehow reads the prior opinion of the Board to mandate that the ALJ find his low back problems to be work-related. This is just not the case. The Board merely ordered that the ALJ "explain the reasons for her findings [that his lower back condition was not work-related] in light of the medical evidence . . ."

The ALJ rendered a new opinion and award. On review, the Board found that the ALJ had "set forth . . . a sufficient explanation for the ultimate conclusion that Baker's back condition was not work-related." We have examined the briefs and record, and can find no evidence compelling a different result.

The opinion of the Workers' Compensation Board is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Wayne C. Daub
Louisville, Kentucky

BRIEF FOR APPELLEE:

James G. Fogle
Lance O. Yeager
Ferreri & Fogle, PLLC
Louisville, Kentucky