

# Commonwealth of Kentucky

## Court of Appeals

NO. 2007-CA-001690-MR

TECHNOLOGY SERVICE GROUP

APPELLANT

v. PETITION FOR REVIEW OF A DECISION  
OF THE WORKERS' COMPENSATION BOARD  
ACTION NO. WC-94-46103

ROSE JOHNSON; HON. J. LANDON  
OVERFIELD, ADMINISTRATIVE LAW  
JUDGE; AND WORKERS' COMPENSATION  
JUDGE

APPELLEES

### OPINION AFFIRMING

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BEFORE: KELLER, TAYLOR, AND VANMETER, JUDGES.

TAYLOR, JUDGE: Appellee, Rose Johnson, filed a motion to dismiss the above styled appeal as being taken from an interlocutory order of the administrative law judge (ALJ).<sup>1</sup>

The Workers' Compensation Board (Board) previously dismissed the appeal by order

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<sup>1</sup> The motion to dismiss was passed to a merits panel of this Court by Order entered November 17, 2007.

entered July 12, 2007. For the reasons stated, we affirm the Board's order dismissing this action.

Technology Service Group (Technology Service) seeks to appeal from orders of the ALJ filed of record on April 23, 2007, and on May 14, 2007. In the April order, the ALJ “transferred [the claim] to the Commissioner for the imposition of such additional sanctions against the Defendants as the Commissioner may deem appropriate.”<sup>2</sup> And, in the May order, the ALJ denied Technology Service's “petition for reconsideration” of the April order. Technology Service then appealed the ALJ's order to the Board, which upon motion by Rose Johnson, was dismissed by order entered July 12, 2007. This appeal follows.

Generally, a final judgment or order adjudicates all the rights of all the parties. Ky. R. Civ. P. 54.01; *King Coal Co. v. King*, 940 S.W.2d 510 (Ky.App. 1997). Neither the April nor the May orders entered by the ALJ adjudicated all the rights of all the parties. Rather, the ALJ merely transferred the claim to the Commissioner for further proceedings including possible imposition of sanctions. These orders are inherently interlocutory as the issue of imposition of sanctions was left for future adjudication. *See Keffer v. Keffer*, 307 Ky. 831, 212 S.W.2d 314 (1948); *Hubbard v. Hubbard*, 303 Ky. 411, 197 S.W.2d 923 (1946). Accordingly, there is no jurisdiction for an appeal to the Board or to this Court. We, thus, affirm the Board's dismissal of this action.

For the foregoing reasons, the order of the Workers' Compensation Board is affirmed.

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<sup>2</sup> The Commissioner referred to is the Executive Director of the Kentucky Office of Workers' Claims.

ALL CONCUR.

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEES

Melanie Gabbard  
Lexington, Kentucky