

RENDERED: December 13, 1996; 2:00 p.m.
NOT TO BE PUBLISHED

NO. 96-CA-0534-WC

CLAUDETTE MCGOWAN, Administratrix
of the Estate of Winston D. McGowan

APPELLANT

PETITION FOR REVIEW OF A DECISION
OF THE WORKERS' COMPENSATION BOARD
ACTION NO. WC-93-29993

FRUIT OF THE LOOM, INC.;
HON. IRENE B. STEEN,
Administrative Law Judge; and
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION

AFFIRMING

*** *** *** ***

BEFORE: EMBERTON, MILLER, and SCHRODER, Judges.

MILLER, JUDGE. Claudette McGowan, administratrix of the estate of Winston D. McGowan, asks us to review an opinion of the Workers' Compensation Board (board) rendered 26 January 1996. Ky. Rev. Stat. (KRS) 342.290. We affirm.

Appellant argues that the board erred in failing to find upon the evidence that McGowan had sustained an injury of

appreciable proportions while in the employ of Fruit of the Loom, Inc., thus resulting in an occupational disability as defined in the Workers' Compensation Act. KRS Chapter 342.

We have examined the evidence and are of the opinion that the board was correct in rejecting McGowan's claim under the authority of Special Fund v. Francis, Ky., 708 S.W.2d 641 (1986), and Paramount Foods, Inc. v. Burkhardt, Ky., 695 S.W.2d 418 (1985). Under the mandate of Western Baptist Hosp. v. Kelly, Ky., 827 S.W.2d 685 (1992), we decline to reverse the decision of the board.

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

ALL CONCUR.

BRIEF AND ORAL ARGUMENT
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BRIEF AND ORAL ARGUMENT FOR
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