

# Commonwealth Of Kentucky

## Court Of Appeals

NO. 1997-CA-001329-WC

BRENT HORN

APPELLANT

v.

PETITION FOR REVIEW OF A DECISION  
OF THE WORKERS' COMPENSATION BOARD  
ACTION NOS. WC-94-44262 & WC-94-31624

WOLF CREEK COLLIERIES; SPECIAL  
FUND; IRENE STEEN,  
ADMINISTRATIVE LAW JUDGE; AND  
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION  
REVERSING AND REMANDING

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BEFORE: GUDGEL, CHIEF JUDGE; BUCKINGHAM AND KNOPF, JUDGES.

BUCKINGHAM, JUDGE. On June 5, 1997, Brent Horn brought the above-styled appeal from an opinion of the Workers' Compensation Board denying his application for additional occupational disease benefits. One of the issues on appeal is the criteria for reopening a coal worker's pneumoconiosis claim following a previous award of retraining incentive benefits. On February 19, 1998, the Supreme Court rendered its opinion in Campbell v.

Universal Mines, Ky., \_\_ S.W.2d \_\_ (1998). Campbell addressed the criteria for reopening a pneumoconiosis claim under KRS 342.125 and established new rules for determining whether a prior retraining benefits recipient is entitled to reopen his case to seek new benefits.

On February 25, 1998, we entered an order holding this case in abeyance pending the finality of Campbell v. Universal Mines. On April 14, 1998, Campbell v. Universal Mines became final.

In view of the new rules established in Campbell, we reverse the decision of the Worker's Compensation Board and remand this case to the Administrative Law Judge for a review of appellant's claims in light of the new criteria established in Campbell v. Universal Mines, supra.

ALL CONCUR.

BRIEF FOR APPELLANT:

J. Drew Anderson  
Prestonsburg, Kentucky

BRIEF FOR APPELLEE, WOLF CREEK  
COLLIERIES:

David C. Schwetschenau  
Lexington, Kentucky

BRIEF FOR SPECIAL FUND:

David R. Allen  
Louisville, Kentucky