

# Commonwealth Of Kentucky

## Court Of Appeals

NO. 2000-CA-001492-WC

CLAYTON HACKER AND  
EDMOND COLLETT

APPELLANTS

v.

PETITION FOR REVIEW OF A DECISION  
OF THE WORKERS' COMPENSATION BOARD  
ACTION NO. WC-92-10807

LEECO, INC. (SETTLED);  
HON. ROBERT L. WHITAKER,  
DIRECTOR OF SPECIAL FUND;  
HON. SHEILA C. LOWTHER,  
CHIEF ADMINISTRATIVE LAW;  
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION  
AFFIRMING

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BEFORE: McANULTY, MILLER, AND TACKETT, JUDGES.

MILLER, JUDGE: Clayton Hacker and Edmond Collett asks us to review an opinion rendered May 19, 2000, by the Workers' Compensation Board. We affirm.

The issue in this appeal is whether Kentucky Revised Statutes (KRS) 342.320(2)(a) as amended in 1996 is unconstitutional. This issue has been recently decided by the Kentucky Supreme Court in Daub v. Baker Concrete, Ky., 25 S.W.3d

124 (2000). Therein, the Court held that KRS 342.320(2)(a) was, indeed, constitutional. We view Daub as dispositive and likewise conclude that KRS 342.320(2)(a) is constitutional.

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

ALL CONCUR.

BRIEF FOR APPELLANT:

Edmond Collett  
Hyden, Kentucky

BRIEF FOR APPELLEE, SPECIAL  
FUND:

John Burrell  
Frankfort, Kentucky