

Commonwealth Of Kentucky

Court Of Appeals

NO. 2001-CA-000771-WC

MOUNTAIN VIEW HEALTH CARE CENTER

APPELLANT

v. PETITION FOR REVIEW OF A DECISION
OF THE WORKERS' COMPENSATION BOARD
ACTION NO. WC-98-84802

BARBARA ROGERS;
DONALD G. SMITH, ADMINISTRATIVE LAW JUDGE;
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION
AFFIRMING

** ** * * * **

BEFORE: EMBERTON, MILLER, AND SCHRODER, JUDGES.

MILLER, JUDGE: Mountain View Health Care Center asks us to review a decision of the Workers' Compensation Board (Board) rendered March 14, 2001. Kentucky Revised Statutes (KRS) 342.290. We affirm.

This case involves a total and permanent occupational disability awarded to appellee, Barbara Rogers. She was employed as a nurse's aide by Mountain View Health Care Center. She sustained a back injury on April 18, 1999, while in the process of placing a dry pad beneath a nursing home resident. Her job,

of course, required the lifting of patients, not an inconsiderable task.

After reviewing the evidence presented to the Administrative Law Judge, the Board affirmed an award of total and permanent occupational disability under the definition presented in KRS 342.0011(11)(c). We think it would serve no useful purpose to reiterate the evidence presented before the Board. We are of the opinion the decision should be affirmed under the precepts of Commonwealth, Transportation Cabinet v. Guffey, Ky., 42 S.W.3d 618 (2001), Ira A. Watson Department Store v. Hamilton, Ky., 34 S.W.3d 48 (2000), and Western Baptist Hospital v. Kelly, Ky., 827 S.W.2d 685 (1992).

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

ALL CONCUR.

BRIEF FOR APPELLANT:

David H. Neeley
Prestonsburg, Kentucky

BRIEF FOR APPELLEE, BARBARA A.
ROGERS:

R. Roland Case
Pikeville, Kentucky