

RENDERED: MARCH 30, 2018; 10:00 A.M.
TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2017-CA-001240-WC

RANDY WOODS

APPELLANT

v. PETITION FOR REVIEW OF A DECISION
OF THE WORKERS' COMPENSATION BOARD
ACTION NO. WC-15-95828

PRIVATE INVESTIGATIONS &
COUNTER-INTELLIGENCE, INC.;
HON. JONATHAN R. WEATHERBY,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD

APPELLEES

OPINION AND ORDER¹
DISMISSING

** ** * * * * *

BEFORE: DIXON, JOHNSON, AND JONES, JUDGES.

JOHNSON, JUDGE: Having considered the motion of Appellee, Private

Investigations & Counter-Intelligence, Inc., to dismiss the above-styled appeal, the

¹ When final disposition of an appeal is made by an "Opinion and Order," as in this case, the party adversely affected may move for reconsideration as provided by Kentucky Rules of Civil Procedure (CR) 76.38(2) within ten days of entry, but a petition for rehearing is unauthorized. CR 76.32(1).

response, and being otherwise sufficiently advised, the Court ORDERS that the motion be, and it is hereby, GRANTED. The Court ORDERS that the above-styled appeal be DISMISSED as improperly taken.

Kentucky Revised Statutes (KRS) 342.290 provides that this Court may review decisions of the Workers' Compensation Board pursuant to Section 111 of the Kentucky Constitution and rules adopted by the Supreme Court of Kentucky. Kentucky Rules of Civil Procedure (CR) 76.25(2) authorizes this Court to review decisions of the Board upon the filing of a petition within 30 days of the Board's final decision.

In the present case, Appellant has attempted to appeal directly to this Court from the decision of an Administrative Law Judge (ALJ) upon remand from a decision of the Board. As stated above, this Court is not authorized to undertake such review. Kentucky law does not permit a litigant to bypass the Board. Therefore, this appeal must be dismissed.

ALL CONCUR.

ENTERED: MARCH 30, 2018

/s/ Rob Johnson
JUDGE, COURT OF APPEALS

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