

Kentucky Supreme Court
Cases of Note
[September-October, 2019](#)

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WORKERS COMPENSATION

James A. Wilkerson v. Kimball International, Inc.

[2019-SC-000053-WC](#) September 26, 2019

Opinion of the Court by Justice Keller. All sitting; all concur. James A. Wilkerson sustained a back injury while working for Kimball International, Inc. (“Kimball”). Wilkerson filed a claim with the Department of Workers’ Claims, and a hearing was held on his claim. The Administrative Law Judge (“ALJ”) awarded Wilkerson temporary total disability, permanent partial disability, and medical benefits for a back strain he sustained while working for Kimball. The ALJ denied benefits for a knee injury and two back surgeries, finding they were not causally related to his employment, and therefore not compensable. Wilkerson did not file a petition for reconsideration with the ALJ prior to appealing the denial of benefits to the Workers’ Compensation Board (“Board”). The Board affirmed the ALJ, and the Court of Appeals affirmed the Board. The Supreme Court, likewise, affirmed the Court of Appeals. The Supreme Court first made clear that it could always address the issues of whether substantial evidence supported the ALJ’s findings and whether the evidence compelled a different result regardless of whether a petition for reconsideration had been filed. It then reviewed the evidence of record and concluded that the ALJ’s finding that Wilkerson’s knee injury was not work-related and therefore not compensable was supported by substantial evidence and that the evidence of record did not compel a different result.

Tryon Trucking, Inc. v. Randy Medlin, et al.

[2019-SC-000212-WC](#) September 26, 2019

Opinion of the Court by Justice Buckingham. All sitting; all concur. The Uninsured Employers’ Fund appealed from the ALJ’s determination that claimant was an employee of an uninsured employer on the date of motor vehicle accident, and that in the absence of any “up-the-ladder” employer, the Fund would be liable to pay claimant’s benefits if his employer did not pay for the benefits or file for bankruptcy. The Workers’ Compensation Board affirmed in part, reversed in part, and remanded to the ALJ for additional findings of fact with regard to possible up-the-ladder liability by transportation broker that had leased the truck claimant was driving at the time of the accident. The Court of Appeals upheld the Board’s decision, and transportation broker appealed. Upon review the Court held: If the ALJ has made all necessary findings to resolve the issue at hand and the Workers’ Compensation Board has erred in remanding for additional, unneeded findings that would be of no additional value in resolving the issues in the case, if for no other reason than judicial economy alone, that decision, just as any other, is subject to review and reversal by the appellate courts, overruling *Campbell v. Hauler’s Inc.*, 320 S.W.3d 707; remand from the Workers’ Compensation Board to the ALJ was warranted to allow the ALJ to reexamine the issue of whether the transportation broker that leased trucks and trailers as part of its business model qualified as an up-the-ladder employer for the claimant because the ALJ made a factual error when he determined the facts of the case were nearly identical to another case in

which no up-the-ladder liability was found, but in that case, the transportation broker did not lease the truck and trailer that was involved in the accident. KRS 342.610(2).