

Kentucky Supreme Court
Cases of Note
July-[August](#), 2009
(Note: None in July)

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2. Right-click on the link and select “Open Hyperlink”.

WORKERS’ COMPENSATION

Radco Asbestos Specialists, Inc. v. Thomas B. Lyons; Hon. Marcel Smith, ALJ; & Workers’ Compensation Board

[2008-SC-000777-WC](#) August 27, 2009

Opinion of the Court. All sitting; all concur. Workers’ compensation claimant sought to reopen his award in order to obtain temporary total disability (“TTD”) benefits. The ALJ dismissed the motion as untimely. The Board reversed and the Court of Appeals affirmed the Board. On appeal, the employer argued that KRS 342.125(3) states an award may only be reopened by a claimant seeking TTD “during the period of award.” Since claimant was no longer receiving weekly income benefits, the employer contended he could not now seek benefits. The Court disagreed, holding that “period of award” included medical benefits since the statute did not specify that the “period of award” was limited to the time the claimant received income benefits.