

KANSAS DEPARTMENT OF LABOR
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APPLICATION FOR BENEFITS

K-WC E-1 (K.S.A. 44-534)

Employee: Donald Rakestraw

Date of birth: 08/24/1965 Gender: Male Employer: DOT'S PRETZELS, LLC

Social Security Number ****4402 Street: 32180 W 191ST ST

Street: 15739 Whispering Oaks Drive City: GARDNER State: KS ZIP: 66030

City: Paola State: KS ZIP: 66071 Insurance Carrier: None Identified

Phone: 9132029521 Additional Employer: _____

Email: supertech007@gmai.com Additional Insurer: _____

Accidental Injury, Repetitive Trauma or Occupational Disease

Date(s) of accident/repetitive trauma/occupational disease (give beginning and ending dates if a series): 03/28/2024

State specifically the exact cause and source of accident/repetitive trauma/disease: The claimant was not provided the required floor mat to stand on which caused injury to his foot from extended standing during course of employment

Briefly state extent of injuries by accident, repetitive trauma or disease claimed: Right foot and associated body parts

In what county did it occur? Johnson At or near (city) Gardner (state) KS

If it **did not** happen within Kansas, in which **Kansas** county could hearing be most conveniently held? _____

Mediation requested? NO

Applicant signature: Submitted by Attorney Date: 06/20/2024

Is applicant represented? YES Attorney representing claimant

Attorney signature: /s/Roger Fincher Printed Name: Roger Fincher

Street: 1263 SW Topeka Blvd City: Topeka State: KS ZIP: 66612

Kansas Supreme Court Number: 16090 Phone: (785) 430-5770

Email: roger@fincherlawoffice.com
(for purposes of hearing notices)

Federal Privacy Act Disclosure Section 7(a)(2)(B)

The mandatory requirement that Social Security numbers be included on forms filed with the Division of Workers Compensation is permitted by Section 7(a)(2)(B) of the Federal Privacy Act of 1974, since our regulations which require its disclosure were in existence before January 1, 1975. The number is used as a means of identifying all the various records in the Division of Workers Compensation pertaining to an individual.

The use of Social Security numbers is made necessary because of the large number of applicants who have similar names and birth dates, and whose identities can only be distinguished by the Social Security number.

To: Donnie Rakestraw <supertech007@gmail.com>

Exhibit 4 shows Plaintiff acted promptly and reasonably by retaining counsel and filing a workers' compensation claim in June 2024, based on an explicit workplace safety failure—the employer's refusal to provide required floor mats causing injury from prolonged standing. The claim was attorney-submitted, and Plaintiff was affirmatively led to believe workers' compensation was his sole remedy, delaying discovery of separate statutory and civil rights violations. Knowing the facts of an injury is not the same as knowing one's legal rights, and Plaintiff's reliance on counsel and the employer's shifting classifications prevented timely awareness of additional claims, warranting equitable tolling.