

Nebraska Workers' Compensation Act, if it be shown that the employer had notice or knowledge of the injury." Unger argues that Olsen's had notice or knowledge of her injury prior to her giving written notice. Again, this question should be addressed by the trial court as it involves analysis of what information Olsen's had concerning Unger's lung condition and her exposure to substances in connection with her job requirements. See, *Risor v. Nebraska Boiler*, *supra*; *Snowden v. Helget Gas Products*, *supra*.

In conclusion, we affirm the order of the review panel remanding the matter to the single judge for a determination of the viability of the lack-of-notice defense. We note that the review panel did not expressly vacate the award of the trial judge, and we accordingly conclude that the remand is solely for a determination, on the existing evidentiary record, of whether the defense of lack of timely notice of injury is viable.

### CONCLUSION

We affirm the order of the Workers' Compensation Court review panel remanding this matter for a determination of the viability of the lack-of-notice defense asserted by Olsen's.

AFFIRMED.

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[By order of the court, *State v. Nadeem*, 19 Neb. App. 466, 808 N.W.2d 95 (2012), withdrawn. See *State v. Nadeem*, 19 Neb. App. 565, 809 N.W.2d 825 (2012). (Pages 467-73 omitted.)]