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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Michele GLASGOW, Appellant,
v.
CON EDISON, Respondent,

WORKERS' COMPENSATION BOARD, Respondent.

March 21, 2024

Facts: The decedent had an established asbestosis claim and other pulmonary conditions. He was a plaintiff in a class action lawsuit in 2001 against various defendants regarding his exposure to irritants at work. The action was settled against some, but not all, of the defendants before dying in 2018 and his widow filed this death claim.

The claim was established but awards were held in abeyance as the widow as directed to produce copies of various releases signed in relation to the lawsuit, as these could impact the self-insured employers Section 29 rights. Some documents relating to the third-party action were produced including affidavits from her attorneys with respect to the efforts they had made to obtain the records. The Board ruled that the documents produced, and the efforts made, still resulted in the extent of any waiver rights to be unclear and directed further development of the record. The claimant appeals.

Holding: *Dismissed.*

Discussion: The Court will not conduct a piecemeal review of the Board's non-final decision. It was indicated that the Court can review the decision once the Board renders a final decision on the issue.