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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Dean V. LOSQUADRO, Appellant,  
v.  
NASSAU COUNTY POLICE DEPARTMENT et al., Respondents,  
  
WORKERS' COMPENSATION BOARD, Respondent.

March 21, 2024

Facts: The claimant was involved in a work-related accident. He continued working for about 8 months, then missed about two months from work. He was released to work and then opted to take a service retirement based on his years of service. The claimant raised involuntary retirement and sought awards. The Law Judge granted this, but on appeal, the Board Panel modified the Law Judge's decision finding that the claimant had failed to submit sufficient evidence to show that this retirement was involuntary and related to these injuries. The claimant appealed.

Holding: *Affirmed.*

Discussion: Generally, a retirement is not considered to be involuntary unless it is determined that the claimant's work-related injuries caused or contributed to the decision to retire. The Board is the sole determiner of credibility and is vested with resolving factual disputes. The Board's decision was based on substantial evidence and must be affirmed.