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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Vanessa Gullo, Claimant

v.

Wireless Northeast, Appellant

Workers' Compensation Board, Respondent

Decided April 5, 2018

Facts: Claimant, a quality assurance supervisor, spent most of her workday using a computer. The claim was initially established as an occupational disease for Carpal Tunnel Syndrome. The Board Panel reversed and opined claimant failed to demonstrate her condition was related to her employment. Claimant appealed.

Holding: Reversed.

Discussion: The Court noted that while, generally, the Board's decision regarding causality of a disabling condition would be upheld if supported by substantial evidence, the decision must not be based on an inaccurate reading or incomplete facts. Here, the Board misread the testimony of the claimant's physician, who initially testified he had limited knowledge of the claimant's work duties, but maintained an opinion regarding causality after being advised of claimant's specific work duties. The Board also failed to recognize that the claimant's physician did, in fact, exam the claimant. The Court reversed the disallowance and remanded to the Board for further proceedings.