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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Tykeisha Nock, Claimant

v.

NYC Dept. of Ed., Appellant

Workers' Compensation Board, Respondent

Decided April 19, 2012

- Facts: Claimant, a school lunch helper, filed a claim alleging multiple injuries from standing, cleaning tables and lifting heavy pans. The Board initially established the claim on the basis of the carrier's untimely filing of a notice of controversy but the Board Panel disallowed and found claimant had not submitted proof of a causally related injury.
- Holding: Affirmed.
- Discussion: The Court noted that while the carrier's waived certain defenses in its failure to file a timely notice of controversy, the claimant still bore the burden of demonstrating, by competent medical evidence, a causal connection between her injuries and her employment. Here, the claimant's lone report contained no specific diagnosis and made no mention of the history of the injury or how it related to claimant's work. The claimant failed to submit any medical evidence providing a causal link between her injury and her employment and the Court found no basis to disturb the Board's findings.