

**STEWART, GREENBLATT, MANNING & BAEZ**

**ATTORNEYS AT LAW**

MADGE E. GREENBLATT (RET.)  
ROBERT W. MANNING  
RICARDO A. BAEZ  
DAVID J. GOLDSMITH  
PETER MICHAEL DeCURTIS  
LAURETTA L. CONNORS  
JOHN K. HAMBERGER  
LISA LEVINE  
ANDREA L. De SALVIO  
KRISTY L. BEHR  
RAYMOND J. SULLIVAN  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN  
DIANE P. WHITFIELD

6800 JERICHO TURNPIKE

SUITE 100W

SYOSSET, NY 11791

516-433-6677

FAX 516-433-4342

DONALD R. STEWART (1949-2021)  
KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)

JAMES MURPHY  
OF COUNSEL

Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Cynthia MORANO, Respondent,

v.

HAWTHORN HEALTH MULTICARE CENTER et al., Appellants,  
WORKERS' COMPENSATION BOARD, Respondent

April 8, 2021

Facts: Claimant's attending physician sought a variance under the Non-Acute Pain Medical Treatment Guidelines for pain medication. The variance was denied resulting in a hearing. The WCLJ determined that the medications that the claimant was using, including the one for which the variance was denied, were causally related to the injury. On appeal, the WCLJ decision was affirmed by the Board. There was then a mandatory full Board review which affirmed the decision. Carrier appealed to the Court.

Holding: *Affirmed.*

Discussion: The Court held that the Board was empowered to resolve conflicting medical evidence and to credit the opinion of the claimant's expert over the carrier's expert. The Court ruled that in this claim substantial evidence supported the decision.