

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 Christina TAKACS, Claimant,

v.

KRAFT FOODS GROUP INC. et al., Appellants,
WORKERS' COMPENSATION BOARD, Respondent

April 8, 2021

Facts: Following an injury and the claimant's stoppage of work claimant submitted records showing her attempts to find work within her restrictions. In attempting to verify the legitimacy of the evidence carrier argued that the records submitted could not be verified and that the records contained the resume of another person. Carrier raised the issue of material misrepresentation under Section 114-a. The WCLJ determined that there had been no violation of Section 114-a. That decision was affirmed by the Board. Carrier appealed to the Third Department.

Holding: *Affirmed.*

Discussion: Claimant testified that she submitted every logged application and provided emails confirming that some of them had been received. Claimant testified that she did not deliberately attach someone else's resume to any of her applications and did not know how this had occurred. She alleged that she was not computer savvy and had used a public computer to submit her job applications. The Court found that substantial evidence supported the Board's decision.