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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Juan ABAD, Respondent

V

VANETY'S SERVICE, Appellant

and

WORKERS' COMPENSATION BOARD, Respondent

April 21, 2022

Facts: Acme Furniture Store contacted Vanety (a staffing agency) in order to obtain a warehouse attendant. While working at ACME the claimant fell off a ladder and sustained several injuries. Vanety was found to be 100% liable by the judge and on appeal the Board found a 50/50 responsibility between Acme and Vanety.

Holding: *Affirmed.*

Discussion: The Court confirmed that it is settled that when a claimant works for both a general and special employer, the award may be ordered to be paid by the general, special or both. The Board is empowered to make the award as it sees fit. There was evidence that Acme set the schedule, could terminate the claimant and controlled his activities. Vanety paid the claimant's wages and was responsible per agreement to supply workers' compensation coverage for those workers it sends to Acme.