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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Quinton WATERS, Appellant

v

NEW YORK CITY WATER AUTHORITY, Respondent

and

WORKERS' COMPENSATION BOARD, Respondent

April 14, 2022

**Facts:** The claimant, a station agent, accepted an overtime assignment. While in uniform and riding his bike to work he sustained injuries including a traumatic brain injury. The injury occurred at 4:17am and the claimant was scheduled to start work at 6:00 am. The law judge established the case finding the travel was due to a "special errand." The Board reversed finding the claimant was not in the scope of employment at the time of the accident.

**Holding:** *Reversed.*

**Discussion:** The Court noted that the Board did not address the exception relied upon by the judge and simply found that the claimant was not an "outside worker" and as such travel to and from work would not be a covered event. The Court returned the matter to the Board, having noted that the initial Board decision made no findings of fact with the regard to whether the special errand exception applies.