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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of NAUM FELDMAN, Appellant,
v.
NEW YORK CITY TRANSIT AUTHORITY. et al., Respondent,
WORKERS' COMPENSATION BOARD, Respondent.

April 27, 2023

Facts: The claimant was a subway car inspector and alleged he contracted COVID-19 at work. The WCLJ disallowed the claim and at issue was whether the claimant's medical opinion was properly precluded under Section 137 of the Workers' Compensation Law.

Holding: *Affirmed.*

Discussion: The carrier maintained that the claimant's medical opinion was an independent medical examination and was therefore subject to compliance with Section 137 of the Workers' Compensation law. The Court agreed, noting that the doctor testified that when she examined the claimant, it was for the purpose of providing an opinion on causal relationship. There was no disagreement that the requirements of Section 137 were not met.