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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of PHYLLIS KEENEY, Appellant,

v.

MAE C. ANDREWS, Respondent,

and

UNINSURED EMPLOYERS' FUND TPA, Respondent,

WORKERS' COMPENSATION BOARD, Respondent.

April 27, 2023

Facts: The claimant has an established claim for injuries to the pelvis and left wrist. She sought to amend the claim for injuries to the back and bilateral hips. After medical testimony was completed the WCLJ disallowed the claim for the additional sites. The claimant's attorney's appeal was denied for failing to provide the required attestation of electronic signature.

Holding: *Affirmed.*

Discussion: In response to COVID-19, the Board suspended the original signature requirement for Applications for Board Review. Electronic signatures are accepted but the attorney or licensed representative was required to submit the form to the Board with an additional attestation by the attorney or licensed representative, on the firm letterhead, and in the form prescribed by the Board, certifying the attestation. The Court found that this rule was reasonable and as there was no dispute that the obligatory electronic signature attestation was not completed the appeal was properly denied.