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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of RICHARD D. TUCKER, Appellant

v.

CITY OF PLATTSBURGH FIRE DEPARTMENT, et al., Respondent

and

WORKERS' COMPENSATION BOARD, Respondent.

Decided: August 3, 2017

Facts: The claimant was employed as a firefighter and medical technician for 24 years. After he was diagnosed with prostate cancer he filed a claim for benefits on the theory that he had been exposed to toxic fumes and asbestos as a firefighter. The carrier controverted the claim. After the Full Board referred the matter to an impartial specialist, a divided Board Panel established the claim. On mandatory Full Board review, the evidence of causality was found to be unconvincing by a majority of the Board and the claim was disallowed. This appeal ensued.

Holding: *Affirmed*

Discussion: Because the Board's determination regarding causality was based on substantial evidence, notwithstanding some evidence to the contrary, the decision must be affirmed.