

**STEWART, GREENBLATT, MANNING & BAEZ**

**ATTORNEYS AT LAW  
6800 JERICHO TURNPIKE**

**SUITE 100W  
SYOSSET, NY 11791**

**516-433-6677  
FAX 516-433-4342**

**KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)**

**RAYMOND J. SULLIVAN  
MONICA M. O'BRIEN  
MARY ELLEN O'CONNOR  
JAMES MURPHY  
OF COUNSEL**

**DONALD R. STEWART (RET.)  
MADGE E. GREENBLATT (RET.)  
ROBERT W. MANNING  
RICARDO A. BAEZ  
DAVID J. GOLDSMITH  
PETER MICHAEL DeCURTIS  
LAURETTA L. CONNORS  
JOHN K. HAMBERGER  
LISA LEVINE  
ANDREA L. De SALVIO  
KRISTY L. BEHR  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN  
JONATHAN SO**

Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

MILLICENT NARINE, Appellant,

v.

MONTEFIORE MEDICAL CENTER, Respondents,

WORKERS' COMPENSATION BOARD, Respondent.

April 2, 2020

**Facts:** The claimant requested Board Panel Review which was denied for failure to comply with 12 NYCRR 300.13 (b) (1).

**Holding:** Reversed.

**Discussion:** Here the Board abused its discretion. While the Board has the power to adopt reasonable procedural rules, this time the allegation that the claimant failed to adequately complete question 15 of the RB-89 is not supported by the evidence. The response to question 15 here was that an exception to the ruling was noted at the hearing held on a specific date and that the Law Judge noted the exception and that the exception was continued in the application for review. The Board denied the application on the basis that the substance of the exception was not expressed in question 15 however the Court disagreed pointing out that referencing the fact that the exception was continued in the application and actually detailing the exception and issues in response to questions 11 and 12 was sufficient to be considered a complete response for question 15.