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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of ANTHONY COLASANTI, Appellant,

v.

CON EDISON et al., Respondents,

WORKERS' COMPENSATION BOARD, Respondent.

September 29, 2016

Facts: The claimant had an established bilateral CTS claim with a date of disablement 11/10/2005. The Law Judge found the claimant to have a 20% SLU of each hand equaling 97.6 weeks of compensation, payable at \$400 for the period of 11/10/2005 to 9/25/2007. The carrier appealed on the basis that the claimant was also being paid at a permanent rate on an unrelated claim and the overlapping awards would exceed the statutory maximum award under Section 15(6). The Board Panel affirmed the finding of a 20% SLU but found that the claimant was not entitled to the award.

Holding: Modified and Affirmed.

Discussion: The Court held that payment of the SLU award is not allocable to any period of disability and payment of the SLU award in a lump sum will not violate the maximum disability rate provided by WCL Section 15(6).