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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of WILLIAM CONNORS, Claimant,  
v.  
YONKERS CONTRACTING COMPANY, Appellant,  
WORKERS' COMPENSATION BOARD, Respondent.

December 17, 2020

**Facts:** This case concerns the denial of an Application for Board Review for failure to comply with 12 NYCRR 300.13 (b) (1). Specifically, the RB-89 coversheet filed in connection with the claim was outdated as the Board had recently issued a new form.

**Holding:** Affirmed.

**Discussion:** Denial of an Application for Board Review for failure to comply with a procedural regulation is within the discretion of the Board. When a party is represented by counsel and there is a failure to comply with formatting, completion and services submission requirements, the Board has discretion to deny the application.