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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of COLLEEN HANLEY, Appellant,
v.
TRUSTEES OF COLUMBIA UNIVERSITY, Respondents,
WORKERS' COMPENSATION BOARD, Respondent.

December 17, 2020

Facts: This concerns a claim for sick building syndrome that was disallowed based upon a finding of no causal relationship between the claimant's employment and her symptoms purportedly attributed thereto. After the claimant appealed, the Board Panel agreed noting the claimant had presented insufficient credible evidence that she suffered from a condition caused by her "brief" work environment.

Holding: Affirmed.

Discussion: Causal relationship is a factual issue left to the discretion of the Board that will not be disturbed so long as it rests upon substantial evidence. Here the claimant alleges that after less than two months in her position she developed these injuries. The testimony of both psychologists concedes that there was a large reliance upon the claimant's self-reported history.