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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of BARBARA KARWOWSKA, Appellant,
v.
AIR TECH LAB, INC. Respondents,
WORKERS' COMPENSATION BOARD, Respondent. [Claim No. 1]

and

In the Matter of the Claim of JERZY MASLINSKI, Appellant,
v.
PAL ENVIRONMENTAL. Respondents,
WORKERS' COMPENSATION BOARD, Respondent. [Claim No. 2]

and

In the Matter of the Claim of EDGAR NEMOY, Appellant,
v.
NEW YORK CITY TRANSIT AUTHORITY. Respondents,
WORKERS' COMPENSATION BOARD, Respondent. [Claim No. 3]

December 17, 2020

Facts: In each of these three claims, an Application for Board Review was denied based upon the fact that question #15 on the RB-89 (which asks about the objection interposed to a ruling and the time at which the objection was made) had not been answered and therefore the appeal did not comply with NYCRR 300.13 (b).

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.

Stewart, Greenblatt, Manning & Báez