

**STEWART, GREENBLATT, MANNING & BAEZ**

DONALD R. STEWART  
MADGE E. GREENBLATT  
ROBERT W. MANNING  
RICARDO A. BAEZ  
DAVID J. GOLDSMITH  
MICHAEL H. RUINA  
PETER MICHAEL DeCURTIS  
LAURETTA L. CONNORS  
JOHN K. HAMBERGER

ATTORNEYS AT LAW  
6800 JERICHO TURNPIKE  
SUITE 100W  
SYOSSET, NY 11791  
516-433-6677  
FAX 516-433-4342

KAFI WILFORD (2003-2010)  
RAYMOND J. SULLIVAN  
MONICA M. O'BRIEN  
OF COUNSEL

LISA LEVINE  
ASHA V. EDWARDS  
ANDREA L. De SALVIO  
KRISTY L. BEHR  
DAVID S. FOODEN  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN

Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of STEVEN ZOBEL, Respondent

v.

CHEMUNG COUNTY. et. al, Appellants

and

WORKERS' COMPENSATION BOARD, Respondent.

February 11, 2016

- Facts:** The claimants sustained an injury to his right knee as a result of turning to enter an elevator while completing his shift and going to clock out. The employer controverted the claim but the Law Judge established it and the Board affirmed. The carrier appealed.
- Holding:** Affirmed
- Discussion:** The Court noted the issue of compensability is a question of fact for the Board to decide. Its finding will be upheld if based upon substantial evidence. The Court noted the employer confirmed the accident happened during the course of employment, but claimed the injury was idiopathic. The claimant noted he is required to take the elevator because stairs are locked in this correctional facility. The Court affirmed the finding as being based upon substantial evidence and also referenced the presumptions under Section 21.