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Supreme Court, Appellate Division, Third Department, New York

Matter of SUSAN L. GREEY, Respondent

v

YAPHANK FIRE DISTRICT, Appellant

and

Special Funds, Respondent

and

WORKERS' COMPENSATION BOARD

Decided February 9, 2017

Facts: The claimant sustained injuries in 2005 as a volunteer firefighter. In September 2013 the carrier filed an application to reopen the case in order to have medical liability transferred to the Special Funds Section 25-a (Section 51 (1) of the VFBL). The Board denied same having found there was no current request for treatment.

Holding: Affirmed

Discussion: While the time requirements had passed to satisfy Section 25-a of the law, the claimant was not, at the time of reopening, making any claim for loss of wages, and there was no proof of a claim for current payment of medical benefits. As such the Court determined there was no basis to reopen the claim on the issue of Section 25-a.