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Supreme Court, Appellate Division, Third Department, New York

Matter of MICHAEL J. HUGHES, Appellant

v

COGHLIN ELECTRIC CONTRACTOR, Respondent

and

WORKERS' COMPENSATION BOARD

Decided February 9, 2017

- Facts:** In April, 2014 the claimant sustained a work-related injury. Two months later he informed his employer that he could not return to work and filed a claim for workers' compensation benefits. The law judge determined that the claimant voluntarily withdrew from, and failed to reattach to, the labor market. The claimant appealed.
- Holding:** Affirmed
- Discussion:** The Court confirmed the Board's determination on attachment will be upheld if supported by substantial evidence. The Court noted that when the claimant advised the employer about not returning to work, it was "for reasons unrelated to his disability and ability to perform his job duties. In addition, a medical report submitted at the time the claimant gave notice referenced a 0% disability. The claimant further acknowledged that after leaving work he did not seek employment within his restrictions.