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Supreme Court, Appellate Division, Third Department, New York

Matter of RUTH TAITT, Appellant

v

MBSTOA, Respondent

and

WORKERS' COMPENSATION BOARD

Decided February 9, 2017

Facts: The claimant, a resident of the Bronx requested a change in venue from the Board's location in Harlem to White Plains. Part of the request was based upon the claimant's allegation that she would have anxiety going to Harlem inasmuch as she was previously assaulted there. The judge allowed the claimant to appear by phone for the Harlem hearings but denied the transfer and also assessed a penalty against the claimant's attorney. The attorney appealed the denial of the transfer and the penalty.

Holding: Affirmed

Discussion: The court noted that the employer is located in NYC and that the Westchester location has no connection with either the claimant or her claim. The claimant was also permitted to appear by phone. The court also noted the lack of a reasonable basis for the request warranted the penalty against the claimant's attorney.