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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Lawrence Dupont, Respondent

v.

Quality Distribution, Inc. et al, Appellant

Decided February 15, 2018

- Facts: The claimant was a truck driver and claimed an injury when he made a sudden stop while driving. The carrier controverted the claim alleging his account of the incident did not comport with the computerized vehicle log. After litigation, the Law Judge disallowed the claim finding there was insufficient evidence. However, the Board Panel reversed and established the claim. This appeal ensued.
- Holding: Affirmed.
- Discussion: The Court found that there was substantial evidence to support the Board's finding and that it should, therefore, be affirmed. It was noted that the claimant's account of the incident was not necessarily contradicted by the computerized log and the carrier's own consultant gave causality.