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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Larine Galster, Respondent

v.

Keen Transport, Inc, Appellant

and

Workers' Compensation Board, Respondent

Decided February 15, 2018

Facts: The claimant (who passed away during the pendency of the claim), New York resident, was hired as a truck driver to make deliveries throughout the United States by a company based in Pennsylvania. He was involved in a work-related accident in Illinois and filed a claim in New York, although his employer filed a claim for him in Pennsylvania. The carrier controverted the claim in New York claiming the Board did not have jurisdiction. The Judge established the claim and the Board Panel affirmed. The carrier appealed.

Holding: Affirmed.

Discussion: If the Board's determination that there are sufficient contacts with New York to find jurisdiction, that decision will not be disturbed if is based on sufficient evidence. The claimant was hired after a phone interview from his home in New York. He made significantly more deliveries to locations in New York than Pennsylvania. After the accident, the employer found light duty work for the claimant in New York that it described as "an extension of his employment." However, the claimant's dispatcher was located in Pennsylvania and his employer did not own any property in New York. In this case, there is sufficient evidence to sustain the Board's finding that the contacts with New York were significant enough to find jurisdiction.