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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of the Estate of James Yoo, Appellant

v.

Rockwell Compounding Associates, et al, Respondent

and

Workers' Compensation Board, Respondent

Decided February 8, 2018

- Facts: The decedent was a pharmacy student participating in an externship on the premises of Rockwell. He was found unconscious and subsequently passed away as the result of fentanyl intoxication. The decedent's mother filed a lawsuit which the Supreme Court referred to the Workers' Compensation Board to determine whether or not the decedent was an employee of Rockwell. After litigation, the Board determined that the decedent had been its employee and continued the case to determine all other issues. This appeal from the decedent's estate ensued.
- Holding: Dismissed.
- Discussion: The determination of employer-employee relationship does not create a threshold legal issue that is reviewable by the Court, prior to the final determination regarding the claimant's eligibility for benefits..