

**STEWART, GREENBLATT, MANNING & BAEZ**

**ATTORNEYS AT LAW  
6800 JERICHO TURNPIKE**

**SUITE 100W  
SYOSSET, NY 11791**

**516-433-6677  
FAX 516-433-4342**

**KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)**

**RAYMOND J. SULLIVAN  
MONICA M. O'BRIEN  
MARY ELLEN O'CONNOR  
JAMES MURPHY  
OF COUNSEL**

**DONALD R. STEWART (RET.)  
MADGE E. GREENBLATT (RET.)  
ROBERT W. MANNING  
RICARDO A. BAEZ  
DAVID J. GOLDSMITH  
PETER MICHAEL DeCURTIS  
LAURETTA L. CONNORS  
JOHN K. HAMBERGER  
LISA LEVINE  
ANDREA L. De SALVIO  
KRISTY L. BEHR  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN  
JONATHAN SO**

Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

Moses CHARFAUROS, Respondent,  
v.  
PTM MANAGEMENT, Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

February 6, 2020

- Facts:** The claimant was found to have a permanent partial disability with a 71% Loss of Wage-Earning Capacity. This was appealed by the carrier however, review was denied as the Board found that the application was not filled out completely. Specifically, question 15 on the RB-89 did not indicate the date of the hearing in which the exception was interposed.
- Holding:** Affirmed.
- Discussion:** The Court has previously noted that an application for Board review must be filled out completely and in the format prescribed by the Chair. Although the carrier had specified the objection that was interposed, the instructions on the form required that a party must specify the objection and when it was interposed. As carrier had failed to satisfy the temporal element, the Board did not abuse its discretion in denying review. The Court disagreed that the temporal element was met by the carrier's reference to the Law Judge's Decision which was rendered following a specific hearing and noted the need for specificity as there were multiple hearings in the case.