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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

Rurico SANCHEZ, Appellant,

v.

JACOBI MEDICAL CENTER, Respondent

WORKERS' COMPENSATION BOARD, Respondent.

February 20, 2020

**Facts:** The claimant was classified with a permanent partial disability. Subsequently he underwent two spinal surgeries and was awarded benefits at the total rate. The Board found that the periods of temporary total disability should be counted against the claimant's cap of 300 weeks. The claimant appealed.

**Holding:** Reversed and remanded.

**Discussion:** The Court reasoned that a claimant can only be classified as having either a temporary partial, temporary total, permanent partial, or permanent total disability at any one time. Accordingly, while a claimant may be medically classified with a permanent partial disability, if he suffers a causally related exacerbation where he is temporary totally disabled, that period is not counted towards the cap.