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Supreme Court, Appellate Division, Third Department, New York

Matter of VICTOR MARTINEZ, Respondent

v.

RNC INDUSTRIES, LLC, Appellant

and

WORKERS' COMPENSATION BOARD, Respondent

February 16, 2023

Facts: The claimant alleged injuries to the right shoulder, right wrist, right hand, neck and back. The case was established for injuries to the right forearm and wrist and the claims for the back and neck were disallowed. On appeal to the Board Panel, the claim was modified to include the neck and back. The employer filed this appeal.

Holding: *Affirmed.*

Discussion: The Court once again confirmed that it will defer to the Board on issues of credibility of medical opinions. Substantial evidence supported the decision to amend the claim to include the neck and back.