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Supreme Court, Appellate Division, Third Department, New York

Matter of GHEORGHE PETRE, Appellant

v.

ALLIED DEVICES CORP., Respondent

and

WORKERS' COMPENSATION BOARD, Respondent

February 16, 2023

Facts: In 1999, the claimant sustained injuries to the back, neck, gastritis, cervico-genic vertigo, dystemia, cervical headaches and a consequential psychiatric disorder. In 2021, the claim was amended to include right lumbosacral neuritis of the right side of the foot. The claimant's doctor was directed to submit requests for prior authorization for Gabapentin using the Drug Formulary in effect at that time, and to submit missing documentation regarding a request for reimbursement for medical and travel expenses. The claimant appealed that part of the decision regarding the Drug Formulary and the need to submit additional documents, and same was affirmed by the Board. A request for full board review was also filed and was denied. It was from the request for full board review the claimant filed this appeal.

Holding: *Affirmed.*

Decision: Once again the Court confirmed that in regard to consideration of an appeal from a denial for full board review/reconsideration, the party must allege a material change in condition or set forth newly discovered evidence. The claimant failed to do so in this case and as such there was no abuse of discretion by the Board in denying the request for full board review/reconsideration.