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Supreme Court, Appellate Division, Third Department, New York

In the Matter of VICTOR E. GUZMAN-DIMAS, Respondent

v.

FRALEXA, LLC, et al., Respondent

TRAVELERS INDEMNITY COMPANY, Appellant

WORKERS' COMPENSATION BOARD, Respondent.

October 6, 2016

Facts: The claimant's employer is located and incorporated in New Jersey. The employer maintained NJ workers' compensation insurance through Travelers Insurance Company. The claimant was injured when delivering and unloading a mattress. The claimant resides in NY and filed for NY state workers' compensation benefits. Travelers controverted the claim since they did provide coverage for injuries occurring outside of NJ. The WCLJ found Travelers to be the proper carrier. The Board Panel affirmed.

Holding: Reversed.

Discussion: Upon review of the policy, the conditions for coverage were not met. The policy that Travelers issued to the employer contained a "limited other states insurance endorsement." In order for Travelers to pay benefits for a NY compensation claim, various conditions had to be met, including but not limited to, the claimant being hired in NJ and being principally employed in NJ. In this case, the claimant testified that he was hired in NY, picked up and dropped off in NY each day, and that he never went to or worked in NJ.