

**STEWART, GREENBLATT, MANNING & BAEZ**

ATTORNEYS AT LAW

6800 JERICO TURNPIKE

SUITE 100W

SYOSSET, NY 11791

516-433-6677

FAX 516-433-4342

DONALD R. STEWART (RET.)  
MADGE E. GREENBLATT  
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

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

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

SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Ricci Bagnato, Appellant

v.

General Electric, Employer

Decided December 28, 2017

Facts: During the first week of July 2014, the claimant was terminated from work for falsifying documents. In August 2014, the claimant filed a claim for a June 2014 injury that he claims was witnessed by co-worker. The Board reversed a decision of the judge establishing the case and determined the claimant was not credible.

Holding: Affirmed.

Discussion: Issues of compensability are questions of fact for the Board to determine provided the decision is supported by substantial evidence. Considering the claimant's failure to immediately report the injury, the lack of medical treatment at the time and being fired for falsifying medical excuses, juror service documents and bereavement forms, the Board's decision was affirmed.