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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Yujuan Sheng, Appellant

v.

Time Warner, Employer, Respondent

Decided December 28, 2017

Facts: After determining the claimant had no further disability, the claimant failed to timely appeal that decision. Instead she appealed the Board's denial of her request for reconsideration and/or full Board review. The Court previously denied same. (131 AD3d, 1283 (3rd Dept., 2015), lv. Dism., 26 NY3d 1060 (2015)). The case was subsequently restored to the calendar the judge closed the case again noting the finding of no further disability. The Board affirmed that decision.

Holding: Affirmed.

Discussion: The Court noted the claimant failed to submit any evidence showing a material chance in her condition. It also determined the Board did not abuse its discretion by not addressing its earlier decision of no disability.