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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Roman Szokalski, Claimant

v.

A-Val Architectural Metal, Employer

And

Arch Insurance Company, Appeallant

Decided December 28, 2017

Facts: The claimant filed a claim alleging a repetitive stress injury to his back and for bilateral carpal tunnel. The Board initially placed Chubb Indemnity on notice and then placed Arch Insurance and the State Insurance Fund on notice. After failing to appear at several hearings, Arch was found to be the responsible carrier. A request for rehearing/reopening in the interest of justice was filed but the Board denied that request.

Holding: Affirmed.

Discussion: Arch's request was filed more than 30 days from the date of decision finding it responsible in the claim and there was no abuse of discretion the Board refusing to consider same..