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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

Milton PULI-LOPEZ, Respondent,

v.

TRIPLE 888 DEVELOPMENT GROUP, LLC, Appellants

WORKERS' COMPENSATION BOARD, Respondent.

January 30, 2020

**Facts:** This claim had been for injuries on a construction site. The claimant identified Triple 888 Development Group, LLC, as his employer. Triple 888 manages the property, and East 119<sup>th</sup> Street Development LLC owns the property. The Workers' Compensation Law Judge found general/special employment and split liability 50/50 between the entities. On appeal by the claimant, the Board modified to find that the claimant was employed by Triple 888 and there was no general/special relationship.

**Holding:** Affirmed.

**Discussion:** The Court found that there was substantial evidence to support the Board's finding. The testimony at the hearing reflected that Triple 888 had been directed to hire and pay someone to do cleanup work at the construction site, and that Triple 888 hired, paid, and supervised the claimant. The Court found there was no evidence that the claimant was employed by East 119<sup>th</sup> and that there was testimony that the claimant was not an employee of East 119<sup>th</sup>.