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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of MARIE ANITE JEAN-PIERRE, Claimant,  
v.  
BROOKDALE HOSPITAL MEDICAL CENTER, Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

January 7, 2021

Facts: Claimant was injured by an assailant leaving work at the end of her shift. The carrier controverted the claim arguing that the injuries did not arise out of and in the course of her employment. After litigation the claim was established, the carrier appealed, and the Board Panel affirmed.

Holding: Affirmed.

Discussion: Whether a compensable accident has occurred is a question of fact left to the discretion of the Board. If the decision rests on substantial evidence, it will not be disturbed. The facts here include that it was only about fifteen minutes past the claimant's shift and that while she was assaulted on a public sidewalk bordering the complex, after the injury she fell into an area on the employer's grounds.