

STEWART, GREENBLATT, MANNING & BAEZ

MADGE E. GREENBLATT (RET.)
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
RAYMOND J. SULLIVAN
LUKE R. TARANTINO
THOMAS A. LUMPKIN
DIANE P. WHITFIELD

ATTORNEYS AT LAW
6800 JERICHO TURNPIKE
SUITE 100W
SYOSSET, NY 11791
516-433-6677
FAX 516-433-4342

DONALD R. STEWART (1949-2021)
KAFI WILFORD (2003-2010)
MICHAEL H. RUINA (1992-2016)

JAMES MURPHY
OF COUNSEL

Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Michael J. BOEHM, Respondent

v

TOWN OF GREECE, Appellants

and

WORKERS' COMPENSATION BOARD, Respondent

Decided July 15, 2021

Facts: The issue presented in this case is whether the Appellants complied with 12 NYCRR 300.13(b) in regard to the appeal (RB-89) filed objecting to a law judge's decision finding that claimant attached to the labor market, that a job offer made to the claimant was not in good faith, and that a Section 114-a defense was unfounded. Although the letter attached to the RB89 listed numerous records and reports in the Board file, item 13 of the RB-89 (requiring a list of hearing dates, transcripts, reports and other relevant evidence to the issues and grounds being raised) failed to list any hearing dates or transcripts that were relevant to the issues and grounds being raised.

Holding: *Affirmed*

Discussion: The Court continues to affirm the Board's holdings as it relates to incomplete information required by form RB-89. While that information may be set forth in any underlying correspondence filed with the form, does not cure the defective response to question number 13.