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State of New York Supreme Court, Appellate Division, Third Judicial Department, New York

In the Matter of ANTHONY BRANCATO, Respondent

v.

NEW YORK CITY TRANSIT AUTHORITY, Appellant

and

WORKERS' COMPENSATION BOARD, Respondent

June 23, 2022

Facts: Appeal from a decision of the Workers' Compensation Board which ruled the claimant sustained a causally related occupational disease and granted the claim for Workers' Compensation benefits.

This is a claim that involves a claim for injuries sustained during twenty-five years of work for a particular employer, seven years as a bus mechanic and eighteen years in various supervisory roles, and after completing such, the claimant retired in August of 2019. The claimant sought treatment December 9, 2019 for severe pain in the wrists, hands and thumbs reporting onset of symptoms that occurred in 1999 and became severe and frequent by 2017. The Judge determined that based on a result of repetitive stress, the claimant sustained an occupational disease to both hands and both thumbs with a date of disablement as December 9, 2019. The employer appealed and the Board affirmed.

Holding: *Affirmed.*

Discussion: The Court noted that to establish an occupational disease there has to be a recognizable link between the claimant's condition and a distinctive feature of his or her employment. This is a factual determination to be made by the Board and if supported by substantial evidence, that decision will remain undisturbed. In the instant matter, the Court noted that based upon a review of the record and the testimony of Dr. Hedrych, the treating doctor, and in light of no contrary medical opinions, the factual determination would not be disturbed.

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