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

In the Matter of BRENDA SANCHEZ, Appellant

v.

NEW YORK CITY TRANSIT AUTHORITY, Respondent

and

WORKERS' COMPENSATION BOARD. Respondent

June 23, 2022

Facts: Appeal from decision which ruled the claimant did not sustain a causally related occupational disease and denied her claim for benefits. The claimant was a station agent for twenty-nine years and filed a claim citing repetitive stress injuries to the neck, back, left shoulder, left hip and left hand. The case was controverted and following several hearings, the Judge disallowed the claim finding it was time barred. The Board Panel affirmed that finding. An Appeal for Judicial Review was filed by the claimant and the Court reversed the Board's decision and remitting the matter for further proceedings. Upon remittal, the Full Board adopted the Court's decision and referred the matter for further proceeds to the same Board Panel that previously reviewed the claim. That Board Panel, in a decision, discredited the opinion of the claimant's treating physician and found the claimant's alleged injuries were not causally related to her employment and that she did not sustain an occupational disease and disallowed the claim. The claimant appealed.

Holding: *Affirmed.*

Discussion: The Court noted that in order to be entitled to benefits for an occupational disease, the claimant must establish a recognizable link between his or her condition and the distinctive feature of his or her occupation through submission of competent medical evidence. The medical opinion on causation must signify a probability as to the underlying cause of the claimant's injury which is supported by a rational basis. The Court noted the Board's decision as to whether to classify a certain medical condition as an occupational disease is a factual determination that will not be disturbed if supported by substantial evidence. In the instant case, the Board determined the claimant did not establish a sufficient causally related link between the injuries and a distinctive feature of her employment. Neither the claimant's testimony nor medical records contain any information as to frequency or repetitiveness with which the claimant lifted heavy bags. The Court noted that there was no medical evidence establishing a recognizable link between the claimant's injuries and repetitive motions at work. There was substantial evidence to support the Board's determination and the decision must be affirmed.

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