

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

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

In the Matter of DANIELLE SEQUINO, Appellant

v.

SEARS HOLDINGS, Respondent

and

WORKERS' COMPENSATION BOARD, Respondent

June 23, 2022

Facts: This is an appeal filed from a decision that ruled certain bills submitted by treatment providers for medical treatment provided to the claimant were not causally related to the established conditions and from a decision of the Board which denied claimant's Application for Reconsideration/Full Board Review. The claim was established for right carpal tunnel syndrome, urinary tract infection, incontinence, TMJ, injuries to the left knee, two teeth, the head inclusive of a traumatic brain injury, the face, neck and right shoulder. The claimant is classified permanently totally disabled. Over the course of several hearings commencing as of September 6, 2019, C-8.1B objections were reviewed by the Judge regarding medical and hospital bills submitted for payment to the carrier. It was noted that there was an audio malfunction and the transcript could not be produced and the Judge was directed to issue a Notice of Decision indicating the findings that were entered at the hearing. A Notice of Decision was issued ruling in favor of the carrier sustaining dozens of the medical bill objections filed by the carrier between 2017 and 2020 that they were either untimely filed, inadequately documented, duplicative or for

treatment not authorized or for treatment that was in whole or in part not causally related to the established medical conditions. *Prima facie medical evidence* was found for an additional condition of consequential colitis. The Board upheld the Judge's decision regarding the C-8.1B objections but modified the decision by holding in abeyance the objections to medical bills related to colitis and the treatment of that condition. The claimant appeals from the decisions.

Holding: *The decisions are modified by reversing that the disputed medical bills are not causally related to established conditions with the matter remitted to the Workers' Compensation Board for further proceedings.*

Discussion: The Court noted the issue of whether the medical treatment provided to the claimant is causally related to the claimant's established medical condition requires reliance on medical reports or opinions and resolution of conflicting medical opinions. The Court focused on the fact that the Judge's decision merely listed by date and carrier's C-8.1 objection to specify dates of service and provided a cursory reason for sustaining each objection in favor of the carrier. The Court held that the Judge's decision failed to specify medical evidence upon which the ruling is based. The Court noted that the Board Decision also failed to reference any medical proof or opinions or evidentiary basis for upholding the Judge's decision. Essentially, the Court found that there was insufficient basis provided by the Law Judge for denying compensability and payment for the numerous bills that were submitted. The Court is seeking a more detailed explanation which includes medical opinion.

Stewart, Greenblatt, Manning & Paez