

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 ARCHIL BUGIANISHVILI, Respondent
v.
ALLIANCE REFRIGERATION, INC. et al, Appellants
WORKERS' COMPENSATION BOARD, Respondent

Decided June 24, 2021

Facts: Appeal from decision which ruled that the claimant suffered a permanent total disability.

The claimant had a claim established for various respiratory and neurological ailments and was later amended to include post-traumatic stress disorder and major depression. A Judge determined that the claimant had reached maximum medical improvement and had a permanent total disability as of November 2019. The Board affirmed and the carrier appealed.

Holding: *Affirmed.*

Discussion: The Court noted the Board credited a May, 2019 medical opinion who conducted an independent medical examination of the claimant at the carrier's request and issued a detailed report noting an opinion the claimant had reached maximum medical improvement and was permanently totally disabled as a result of this incident. The Court noted it was within the Board's discretion to credit that opinion and having done so, the Court discerned substantial evidence in the record for its determination as to permanency and degree of such. The Court found the Board did not abuse its discretion in declining to allow further development of the record on the claimant's condition before rendering its decision.