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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of ROBERTK KONIAK, Respondent,  
v.  
SALAMANCA BOARD OF PUBLIC UTILITIES., Appellant,  
WORKERS' COMPENSATION BOARD, Respondent.

May 19, 2016

Facts: The claimant had an established work related injury in 2006 for his neck and back. The claimant began working for a new employer and had another injury in 2012 and sought treatment. The bills for this treatment were submitted to the carrier on the original injury, who rejected them on the basis that there was a new injury. The Law Judge agreed but the claimant appealed and the Board Panel reversed and found the bills to be compensable as the carrier did not submit sufficient evidence to deny causal relationship. This appeal ensues.

Holding: *Affirmed.*

Discussion: Once the claimant has produced prima facie medical evidence of causal relationship, the burden shifts back to the carrier to produce substantial evidence to the contrary. In this case, the medical reports produced by the claimant referenced only the 2006 accident and indicated that same were causally related to the 2006 accident. The carrier failed to submit any evidence to contradict this, so the Board's determination was proper and must be affirmed.