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Supreme Court, Appellate Division, Third Department, New York

Matter of ROBIN C. BORDONARO, Appellant

v

GENESEE COUNTY SHERIFF'S OFFICE, Respondent

and

WORKERS' COMPENSATION BOARD

Decided March 30, 2017

Facts: The decedent, who worked as a deputy sheriff, died in his sleep at home. His spouse filed a claim and the Law Judge established the case. The Board Panel reversed, disallowing the claim. The claimant now appeals.

Holding: *Affirmed.*

Discussion: Both the death certificate and autopsy report indicated coronary artery disease as the cause of death. While claimant's medical expert opined that the decedent died from acute myocardial infarction as a result of work-related stress, the Board has discretion in deciding to either accept or reject a medical opinion regarding causation when said opinion is not absolute. Inasmuch as the determination was based on substantial evidence, it must be affirmed.