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Supreme Court, Appellate Division, Third Department, New York

Matter of GUY COZZI, Appellant
v
AMERICAN STOCK EXCHANGE, Respondent
and
WORKERS' COMPENSATION BOARD

Decided March 30, 2017

Facts: Claimant alleged that he was exposed to dust and toxins and also injured his shoulder while working at the World Trade Center (WTC) site after the 9/11 attacks. In 2014, he registered with the Board as participant in the WTC rescue, recovery and/or cleanup operations. A Law Judge determined that the claimant was not a participant in the clean-up efforts and therefore his claim did not fall within the exception to the two-year filing requirement under Article 8A, but was instead untimely pursuant to Section 28. The Board Panel Affirmed and the claimant's Application for Full Board Review and/or Reconsideration was denied. The claimant now appeals from the denial of Review and / or Reconsideration by the Full Board.

Holding: *Affirmed.*

Discussion: The claimant only appealed from the decision denying his application for reconsideration and accordingly, the merits of the underlying decision are not before the Court. No new evidence was offered by the claimant in his request for Full Board Review and / or Reconsideration and the decision should be affirmed.