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Supreme Court, Appellate Division, Third Department, New York

Matter of RONALD GRAMZA, Appellant

v

BUFFALO BOARD OF EDUCATION, Respondent

and

SPECIAL DISABILITY FUND, Appellant

and

WORKERS' COMPENSATION BOARD

Decided March 30, 2017

Facts: The claimant was injured in 2005 and ultimately classified with a permanent partial disability. The employer filed a C-250 "Notice of Claim for Reimbursement out of the Special Disability Fund," listing prior medical conditions that hindered the claimant's employment potential. The Board decided that the employer was entitled to reimbursement from the Special Disability Fund. The Fund now appeals.

Holding: *Affirmed.*

Discussion: The employer demonstrated all of the relevant criteria needed to obtain reimbursement under 15-8. (1) the claimant had a pre-existing permanent impairment that hindered his job potential; (2) he sustained the instant work-related injury; (3) the permanent partial disability that he suffers from is substantially greater than it would have been if it resulted from the work-related injury alone without the prior impairment. Inasmuch as there was substantial evidence to support the Board's conclusion, it was affirmed.

Stewart, Greenblatt, Manning & Báez