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SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT, NEW YORK

Matter of Stephen Larosa, Claimant

v.

ABC Supply Co., Appellant

Workers' Compensation Board, Respondent

Decided March 29, 2018

- Facts: The employer initially controverted the claim, alleging the injury did not arise out of claimant's employment as a crane operator. The Board established the claim as a work-related injury and the Board Panel affirmed. The employer appeals.
- Holding: Affirmed.
- Discussion: The Court noted the claimant testified his knee gave out after exiting a crane and again while trying to get back on the crane. Two weeks later, the claimant sought treatment. He had an arthroscopic surgery on the affected knee 10 years earlier and had no restrictions/treatment between the surgery and the accident. The Court noted that several doctors testified the accident exacerbated claimant's preexisting arthritis and found the Board's decision was supported by substantial evidence.