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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Ahmad ABDALLAH, Appellant,
v.
NEW YORK CITY TRANSIT AUTHORITY, Respondent,
WORKERS' COMPENSATION BOARD, Respondent.

March 11, 2021

Facts: The claimant had an accident at work but did not report it to his employer until more than two months afterwards. The Law Judge disallowed the case under WCL §18 and the Board affirmed. The claimant appealed

Holding: *Affirmed.*

Discussion: While the Board may excuse late filing of a claim under WCL §18 if timely notice could not have been given to the employer, the employer had notice of the accident, or there was no prejudice to the employer, it is not obligated to do so. In this case the claimant did not produce his initial treatment records, and the first reports that he did submit did not reference a work-related history. There was not abuse of the Board's discretion in disallowing the claim and that decision was therefore affirmed.