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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of David BEHAN, Appellant,
v.
CAREER START, INC, Respondent

WORKERS' COMPENSATION BOARD, Respondent.

March 11, 2021

Facts: After litigation the claimant was found to have a 60% LWEC. On appeal, the Board Panel affirmed the finding and found a 60% earning capacity. The claimant appealed

Holding: *Affirmed.*

Discussion: The Board Panel's decision was based on substantial evidence that the claimant was not totally disabled. It considered both the medical factors as well as the claimant's vocational background. The Court also affirmed the Board's finding that the effective date of permanency was the date the Law Judge resolved all issues, not the date when evidence of permanency was first submitted, as this is consistent with the Board's precedent.