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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Bueferd HOLNESS, Appellant,
v.
CITY COLLEGE, Respondent

WORKERS' COMPENSATION BOARD, Respondent.

March 11, 2021

Facts: The claimant was a maintenance worker for a college. After completing his shift, he was walking on a public sidewalk in front of the administration building when he struck his left foot on a raised piece of concrete. The claim was controverted, and the Law Judge established it. On appeal, the Board Panel disallowed it and the claimant appealed.

Holding: *Affirmed.*

Discussion: The claimant was injured on a public sidewalk. There was no evidence that the route he took had any benefit to his employer or that it was recommended by the employer. The risk was to the general public, not just employees. Finally, the claimant had already clocked out and the injury occurred approximately 160 yards from the place where his shift ended. Accordingly, the Board was correct in disallowing the case.