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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Kelly A. McLAUGHLIN, Respondent,  
v.  
SAHLEN PACKING COMPANY, Appellant,  
WORKERS' COMPENSATION BOARD, Respondent.

March 11, 2021

Facts: After the Law Judge established this case for causally related death the carrier appealed asking that the case be disallowed. The Board denied the appeal as the carrier did not complete the RB-89 completely as it did not indicate the date of the hearing that the objection to the establishment was noted. Instead, it simply indicated, "carrier has consistently objected including the hearing where the claim was established."

Holding: *Affirmed.*

Discussion: The Board is empowered to make reasonable rules consistent with the Workers' Compensation Law to regulate practice before it. Here, the rule at the time clearly stated that the RB-89 must be filled out completely. That did not occur in this instance and the Board's decision will be affirmed.