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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Prena SHYTI, Respondent  
v.  
ABM et al, Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

March 11, 2021

**Facts:** The claimant was an office cleaner who was on her coffee break across the street from her workplace where she was injured. The claim was initially disallowed by the Law Judge, and that decision was affirmed by a divided Board Panel. On appeal to the Full Board, the claim was established as it was felt that the claimant's accident arose out of and in the course of her employment as she was on a short break and the employer maintained constructive control over her.

**Holding:** *Affirmed.*

**Discussion:** In affirming the Full Board, the Court found that there is no requirement that the employer direct or in any way benefit from the claimant's activities while on her break in order for the case to be compensable. There was sufficient evidence that the claimant's brief off premises activity was reasonable and sufficiently work related so as not to constitute an interruption of her employment.