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**DONALD R. STEWART (1949-2021)**

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Supreme Court, Appellate Division, Third Department, New York

Matter of Dante DALE, Appellant

v.

NEW YORK CITY OFFICE OF MANAGEMENT & BUDGET, Respondents,

And

Workers' Compensation Board, Respondents

March 30, 2023

**Facts:** The claimant was employed by the NYC Office of Management and Budget at its office on Park Place in Manhattan on September 11, 2001. After the attacks, he was reassigned to other offices before returning to that office in March of 2002. In 2010 the claimant registered as having participated in the rescue, recovery, and cleanup operations with the Board. He later testified that he was involved in analyzing the budgets associated with this effort but did not testify that he participated in any of the actual rescue, recovery, or cleanup efforts. The Law Judge disallowed the claim as being untimely as the claimant did not qualify under Article 8-A. The Board Panel Affirmed and this appeal ensued.

**Holding:** *Affirmed.*

**Discussion:** The Court found that the Board's determination that the claimant had not participated in the rescue, recovery, or cleanup efforts was reasonable and consistent with the generally understood meaning of the terms and must therefore be affirmed.