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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Matthew Naomi DENT, Appellant,

v.

AMAZON.COM SERVICES INC. et al., Respondent,

WORKERS' COMPENSATION BOARD, Respondent.

March 24, 2024

Facts: The claimant filed a claim for an injury she sustained on a public bus after leaving work. After testimony, the Law Judge disallowed the claim as it did not arise in and out of the course of the claimant's employment. The Board affirmed and this appeal ensues.

Holding: *Affirmed.*

Discussion: The injury occurred on a public bus that was available to any member of the general public. The bus stop was not on the employer's premises, maintained by the employer, nor did it require the claimant to take the bus, pay for or subsidize the fare. The claimant failed to show any special circumstances related to the claimant's employment that would make the injury compensable and accordingly, the Board's determination that the claim was not compensable was based on substantial evidence and must be affirmed.