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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Matthew Jorge LEON, Claimant,

v.

STRUCTURE TECH New York, Appellant., et al, Appellant

WORKERS' COMPENSATION BOARD, Respondent.

Marh 24, 2024

Facts: This was a controverted case that, after testimony, the Law Judge established as compensable. The carrier appealed and the Board affirmed. This appeal ensues.

Holding: *Affirmed.*

Discussion: The Court stated that the carrier was essentially asking it to substitute its judgement for that of the Board regarding witness credibility. This is inappropriate, as it is the Board that is the sole determiner of witness credibility. As long as its conclusions are based on substantial evidence, the decision must be affirmed, regardless of whether the conflicting evidence presented before it could have been interpreted in a different way.