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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of CAITLYN MATTELIANO, Claimant,

v.

TRINITY HEALTH CORPORATION, et al., Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

May 13, 2021

Facts: The claimant sustained injuries to her back, left leg and left knee. Claimant's orthopedic surgeon requested a three-stage lumbar surgical request which was reviewed by a carrier IME and denied. The WCLJ denied the surgical request. Upon administrative review, the surgery was approved, citing to that fact that the claimant had undergone conservative treatment without success and has discogenic back pain with degenerative disc disease so the surgery would be consistent with the medical treatment guidelines.

Holding: *Affirmed.*

Discussion: Whether a particular procedure is authorized under the guidelines is a factual issue for the Board to resolve and will be upheld as long as supported by substantial evidence. In this case, the Court found that the Board's decision was supported by the testimony of the claimant's doctor and section E.4.a.vi of the Medical Treatment Guidelines.