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State of New York Supreme Court, Appellate Division, Third Judicial Department, New York

In the Matter of PAULA CUNNINGHAM, Appellant

v.

DEPARTMENT OF EDUCATION, Respondent

and

WORKERS' COMPENSATION BOARD, Respondent

May 26, 2022

Facts: Claimant worked as a New York City school principal and filed three separate Workers' Compensation claims alleging various work-related injuries and medical conditions. All of the claims were disallowed based upon the claimant being a pedagogical employee not eligible for Workers' Compensation benefits pursuant to Section 3(1) of the Workers' Compensation Law. The Workers' Compensation Board affirmed on appeal. The claimant appealed to the Appellate Division.

Holding: *Affirmed.*

Discussion: The Court discussed whether the claimant was engaged in covered employment pursuant to Section 3(1). It noted that this was a question of fact for the Board to resolve and that its decision would be affirmed if supported by substantial evidence. The claimant alleged that she performed activities that would be considered eligible for Workers' Compensation benefits other than her administrative duties as a school principal,

however, the Court held that there was substantial evidence supporting the conclusion that claimant's employment responsibilities were pedagogical in nature and that she was not engaged in the instruction of any qualifying subject that would allow for Workers' Compensation coverage.

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