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Supreme Court, Appellate Division, Third Department, New York

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

In the Matter of ALLEN RICHBURG, Appellant

v.

SAMARITAN DAYTOP VILLAGE, Respondent

and

WORKERS' COMPENSATION BOARD, Respondent

May 26, 2022

Facts: Claimant filed a claim for benefits after contracting COVID-19. A Judge directed the claimant's employer to produce all documents, records, etc. pertaining to COVID-19 in the workplace. The Workers' Compensation Board reversed the Judge's decision directing the employer to produce the documentation requested upon the basis that such improperly shifted the burden of proof. Claimant appealed that decision.

Holding: *Dismissed.*

Discussion: During the pendency of the appeal, the claimant notified the Appellate Division that notwithstanding the direction from the Workers' Compensation Board, the claim had been established as a compensable accident. The Court found that the claimant's challenge to the denial of the request to produce documentation was moot.