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In the Matter of JERMAINE WHITE, Appellant

v.

SEJ MAINTENANCE, INC., Respondent

and

WORKERS' COMPENSATION BOARD, Respondent

May 19, 2022

Facts: Claimant filed a claim alleging injuries when struck by debris while working as an asbestos handler. The C-3 filed by the claimant listed two different entities as the employer. Following development of the record, one of the two alleged employers was discharged, and a finding was made of correct employment. Further development of the record then occurred on accident, notice and causal relationship. The presiding Administrative Law Judge credited the claimant's testimony concerning timely notice of the injury. The Review Panel disagreed finding that the claimant failed to provide timely notice of his injuries and that such failure could not be excused. The claim was reversed and disallowed. The claimant appealed.

Holding: *Affirmed.*

Discussion: The Court reviewed the requirements of notice pursuant to Section 18 of the Workers' Compensation Law. The claimant had alleged that his employer had actual knowledge of the injury. The Court found the claimant's testimony to be inconsistent with regard to the

nature of the injuries, his employer and the testimony presented by the imputed employers. The Court held that while the Board could credit the claimant's testimony with employer/employee relationship, it was free to accept testimony offered by the alleged employers with regard to the claimant sustaining an injury and providing timely notice.

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