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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

JESUS BARRERA, Claimant,

v.

CORINTHIAN CAST STONE, INC., Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

March 16, 2020

Facts: The claimant was injured in 2002. In 2006 he received a schedule loss of use award. The carrier thereafter filed an RFA-2 looking to have responsibility for the claim transferred to Special Funds under Section 25-a. The Law Judge ultimately held that 25-a did not apply and the carrier appealed. The substance of the appeal was never addressed as it was denied on the grounds that it failed to comply with 12 NYCRR 300.13 (b).

Holding: Affirmed.

Discussion: The Board did not abuse its' discretion as it has the power to adopt reasonable procedural rules and this is another case where it was determined that question 15 of the RB-89 was insufficiently completed.