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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

MONSERRATE CAMPOS, Appellant,

v.

FEDERAL EXPRESS CORPORATION, Respondent,

WORKERS' COMPENSATION BOARD, Respondent.

March 16, 2020

Facts: This is an established claim for injuries to the neck and back. After discovering that the claimant had failed to disclose a prior work-related back injury, the carrier raised a violation of Workers' Compensation Law Section 114-a. The Law Judge found no 114-a violation and the carrier appealed. The Board reversed and held that the claimant had violated 114-a. The claimant filed an application for reconsideration or full Board review and his appeal was denied. The claimant only appealed from the denial of Full Board Review.

Holding: Affirmed.

Discussion: Because the claimant, who represented himself, only appealed from the denial of Full Board Review, the Court's review was limited to whether the Board abused its discretion in denying review, not the underlying merits of the fraud defense. Here the claimant did not produce any newly discovered evidence or allege that the Board had failed to consider relevant issues and accordingly was proper.