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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

BRENDA KOTOK, Claimant,

v.

VICTORIA'S SECRET c/o LIMITED BRAND INC., Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

March 16, 2020

**Facts:** The claimant was filed a claim for an injury to the right ankle after slipping and falling on a flooded bathroom floor which the carrier denied as not being causally related. After litigation the case was established. The carrier appealed and the Board Affirmed.

**Holding:** Affirmed.

**Discussion:** The Board has the authority to determine factual issues and did so based upon the evidence presented. It is afforded great deference in evaluating proof presented on the issue of causation. Here the Board found the claimant's testimony on the issue more credible than that presented by the employer. As the Board's decision was based on substantial evidence it will not be disturbed.