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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of

ERROL G. CURRIE, Claimant,

v.

RIST TRANSPORT LTD., Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

March 16, 2020

Facts: This is an established claim for injuries to the lower back and right hip. The question of need for hip surgery was litigated and the Law Judge held it be causally related and authorized. The carrier appealed the decision. While the carrier's appeal was pending a hearing was held on the issue of attachment. The Law Judge found the claimant attached and awards were directed. In response, the carrier filed a second appeal. The Board denied both appeals for failure to comply with NYCRR 300.13 (b) (1).

Holding: Affirmed.

Discussion: Denial of an appeal for failure to comply with these procedural regulations is within the discretion of the Board. Here, the carrier insufficiently responded to question 15 on both appeals by failing to identify the specific hearings at which the objections were imposed.