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Supreme Court, Appellate Division, Third Department, New York

Matter of MARK GARNER, respondent,
v
CHRISTIAN CONTRACTORS, INC., Appellant,
and
WORKERS' COMPENSATION BOARD, Respondent.

Decided May 31, 2018

Facts: Claimant filed a claim for benefits and, following a hearing, the claim was disallowed based upon the WCLJ finding that the claimant was an independent contractor and not an employee. Upon claimant's appeal, the Board reversed, finding that the claimant had an employer-employee relationship with the employer. The case was restored to the calendar for further development of the record on the remaining issues, and the carrier appealed.

Holding: *Dismissed.*

Discussion: Piecemeal review of issues in workers' compensation cases should be avoided. Where a Board decision is interlocutory in nature and does not dispose of all the substantive issues or reach a potentially dispositive threshold legal question, it is not appealable. The Board's determination of whether an employer-employee relationship exists does not create a threshold legal issue so as to permit review by the Court prior to the Board's final decision of the claim. As the Board's nonfinal, interlocutory decision is reviewable on an appeal of the Board's final decision on the claim, the instant appeal is dismissed.