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Supreme Court, Appellate Division, Third Department, New York

Matter of ANTONY PILACIK, respondent
v
JACSA, LLC et. al, Appellants
and
WORKERS' COMPENSATION BOARD, Respondent.

Decided May 24, 2018

- Facts: Claimant fell off scaffold, sustaining injuries to the head, neck and back. The carrier controverted, contending no accident had occurred and that notice had not been timely provided. The claim was established. The carrier appealed and the Board Panel Affirmed.
- Holding: Affirmed.
- Discussion: Resolution of the sufficiency of a claimant's oral notice is a matter within the exclusive province of the Board. The Board has discretion to assess the credibility of witnesses, and as the decision is supported by substantial evidence it will not be disturbed.