

STEWART, GREENBLATT, MANNING & BAEZ

ATTORNEYS AT LAW

6800 JERICHO TURNPIKE

SUITE 100W

SYOSSET, NY 11791

516-433-6677

FAX 516-433-4342

DONALD R. STEWART (RET.)
MADGE E. GREENBLATT
ROBERT W. MANNING
RICARDO A. BAEZ
DAVID J. GOLDSMITH
PETER MICHAEL DeCURTIS
LAURETTA L. CONNORS
JOHN K. HAMBERGER

LISA LEVINE
ANDREA L. De SALVIO
KRISTY L. BEHR
LUKE R. TARANTINO
THOMAS A. LUMPKIN
JILLIAN A. SMITH
JONATHAN SO

KAFI WILFORD (2003-2010)
MICHAEL H. RUINA (1992-2016)

RAYMOND J. SULLIVAN
MONICA M. O'BRIEN
MARY ELLEN O'CONNOR
OF COUNSEL

New York State Court of Appeals

Matter of LIDIA BURGOS, Appellant,

v.

CITYWIDE CENTRAL INSURANCE PROGRAM, Respondent,

and

WORKERS' COMPENSATION BOARD

Decided November 16, 2017

Facts: Claimant appealed a 3-2 Appellate Division decision that found that claimant had less than a permanent total disability even though medical testimony and loss of wage earnings capacity testimony revealed that the claimant was incapable of performing less than sedentary work.

Holding: *Affirmed.*

Discussion: Court of Appeals, without a written decision, simply found that substantial evidence supported the Board's decision. This case decided by Court of Appeals the same day as the Third Department decided *WOHLFEIL, above*, wherein with a seemingly lesser set of facts the Third Department modified a 75% LWEC to a permanent total disability finding.