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Supreme Court, Appellate Division, Third Department, New York

Matter of JOSE PEREZ, Respondent,

v.

SN Gold Corp., Appellant

and

UNINSURED EMPLOYERS' FUND, Respondent

WORKERS' COMPENSATION BOARD

Decided November 16, 2017

Facts: Claim was established for post-traumatic stress disorder as a result of a robbery at work. Employer appealed a finding that claimant had a continuing temporary marked partial disability.

Holding: *Affirmed.*

Discussion: Substantial evidence supported the Board's decision of further causally related disability. Issue was simply a difference of opinion between medical experts. Additionally, Court agreed that employer's independent medical examination was not in compliance with Section 137 as the report was not distributed to all of the medical providers who had treated the claimant within 6 months of the exam for the condition that was the subject of the exam. Court held that distribution of the report did not substantially comply with Section 137.