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OF COUNSEL

Supreme Court, Appellate Division, Third Department, New York

In the Matter of DANIEL O'BRIEN, Appellant

v.

THE CARRIE CENTER FOR GLOBAL GOOD et al, Respondents and

WORKERS' COMPENSATION BOARD, Respondent

June 23, 2016

- Facts: The claimant has an established case for injuries to the head, back and neck. He then sought to amend the claim to include concussion and post concussion syndrome. The Law Judge amended the claim to include mild concussion and found the claimant exhibited a moderate (50%) partial disability. However, the Judge found that any additional relief would be denied. The Board affirmed the Workers' Compensation Law Judge's decision. The claimant appealed.
- Holding: Decision reversed and matter remitted to Workers' Compensation Board for further proceedings.
- Discussion: The Court found that the Board relied on medical reports and testimony that contained inherent contradictions and therefore the reports and opinions of the doctor did not constitute substantial evidence to support the Board Decision.