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Supreme Court, Appellate Division, Third Department, New York

Matter of DONALD BUCCI, Appellant

v

NEW YORK CITY TRANSIT AUTHORITY, Respondent

and

WORKERS' COMPENSATION BOARD

Decided October 5, 2017

Facts: The claimant was a resident engineer for the employer. He was sitting on a subway train, encountered difficulty breathing, lost consciousness, and died. The death certificate indicates that the cause of death was natural causes. The carrier filed a report denying the claim on issues of accident arising in and out of the course of employment and no medical evidence of a causally related death. At a hearing, the WCLJ directed the claimant to produce prima facie medical evidence of a causally-related injury. The Board Panel affirmed noting that there was no evidence indicating the claimant died during the course of employment. The claimant appealed.

Holding: *Dismissed.*

Discussion: The Court declined review since the direction to produce additional information was interlocutory and did not dispose of the substantive issue or reach a potentially dispositive threshold legal issue.