

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

Supreme Court, Appellate Division, Third Department, New York

Matter of MICHAEL LEVINE, Respondent

v

INCORPORATED VILLAGE OF FREEPORT, Appellant

and

WORKERS' COMPENSATION BOARD

Decided October 5, 2017

Facts: This is an established case for injuries to the right knee, right ankle and back. A reserved decision found a 15% SLU of the right foot and 15% SLU of the right leg and the case was continued for the implementation of awards. The SLU award was formalized at a later hearing, in a Notice of Decision dated January 22, 2016. The self-insured employer submitted a letter seeking review of this decision within 30 days. On March 1, 2016, an RB-89 cover sheet supplementing its request for review was filed. The Board found the application was defective and untimely. The carrier appeals.

Holding: *Affirmed*

Discussion: Applications for Review must be filed within 30 days from the filing date of the notice of decision and must be in writing and accompanied by the proper cover sheet. In this case the cover sheet was not submitted until after 30 days had passed and there was no evidence that the self-insured employer complied with the proof of service requirements.