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Supreme Court, Appellate Division, Third Department, New York

In the Matter of PAULA M. LANESE, Appellant
v.
ANTHEM HEALTH SERVICES., et al., Respondent
and

WORKERS' COMPENSATION BOARD, Respondent.

Decided October 11, 2018

Facts: In March, 2016, a registered nurse case manager filed a claim for workers' compensation benefits alleging that due to harassment and bullying by her managers, she suffered a relapse of pre-existing depression and anxiety. The claimant had started with the employer in 2012 and suffered a recurrent of PTSD and mental health problems in 2015 attributable to the death of her son in 2011. The claimant received disability-related accommodations as a result and worked from home. The WCLJ disallowed the claim and this was upheld by the Board as the claimant failed to demonstrate that she was subject to greater stress than that of a similarly situated employee.

Holding: *Affirmed.*

Discussion: There was a brief discussion as to whether it was appropriate for the Judge to read his findings into the record after the parties were dismissed and thereafter have a decision that states the claim was denied for "reasons stated on the record." The Board Panel did not find this grounds to rescind and remand the case and neither did the Court. The Court also concluded that the claimant's stress was not greater than that of a similarly situated employee. The claimant's supervisor's described normal oversight and monitoring. With regards to the job transfer, it was voluntary and while the initial transition was somewhat chaotic and that her

accommodations were not immediately met, there was no evidence that the transfer was retaliatory or that she was knowingly denied the accommodation. The claimant was never disciplined, reprimanded or singled out for unfair treatment. Based upon substantial evidence, the Court affirmed.

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