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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Christopher CAPRARO, Appellant,

v

MATRIX ABSENCE MANAGEMENT et al., Respondents

and

Workers' Compensation Board, Respondent.

October 22, 2020

**Facts:** The Board found that claimant's injuries did not arise out of and in the course of his employment and denied the claim, concluding that claimant's injuries were not sufficiently work related to establish the claim.

**Holding:** *Reversed and remitted.*

**Discussion:** The Court noted that to be compensable under the Workers' Compensation Law, an accidental injury must arise both out of and in the course of a claimant's employment. Additionally, accidents that occur during an employee's short breaks, such as coffee breaks, are considered to be so closely related to the performance of the job that they do not constitute an interruption of employment. Whether an activity is within the course of employment or purely personal depends upon whether the activity is reasonable and sufficiently work related. The Court noted that a "regular pattern of work at home" renders the employee's residence "a place of employment" as much as any traditional workplace maintained by the employer. The Court found that inasmuch as the Board determined that claimant was injured during his regular work shift the

compensability of his injury should have been determined using the long-established standard. The Court remitted the matter for further development of the record on the issue of whether claimant, when moving the boxes at his home, was engaged in a purely personal activity that was not reasonable and sufficiently work related under the circumstances.

*Stewart, Greenblatt, Manning & Báez*