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Supreme Court, Appellate Division, Third Department, New York

Matter of TIFFANY SHUMWAY, appellant,

v

HUDSON CITY SCHOOL DISTRICT, et. al, Respondents.

and

WORKERS' COMPENSATION BOARD, Respondents.

October 8, 2020

Facts: The Judge found claimant violated WCL Section 114-a based upon a failure to disclose prior relevant injuries. The claimant's appeal was denied by the Board based upon the claimant's failure to provide a complete response to question number 15 on the RB-89 coversheet. Claimant appealed.

Holding: *Affirmed.*

Discussion: The Board may adopt reasonable rules consistent with and supplemental to the provisions of the Workers' Compensation Law, and the Chair of the Board may make reasonable regulations consistent with the provisions thereof. Those regulations require that an application to the Board for administrative review must be filled out completely. The fact that the date of the hearing at which the objection or exception was allegedly interposed appeared elsewhere on the application did not obviate the requirement for claimant to provide a complete response to question number 15, as the Board was not required to deduce when such objection or exception was interposed.