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State of New York Supreme Court, Appellate Division  
Third Judicial Department  
In the Matter of the Claim of

Martin Lleshaj, Appellant,  
v.  
Delta D., Inc., Et al., Respondents,  
Workers' Compensation Board, Respondent

October 10, 2024

Facts: The claimant lived in New York and worked for an Illinois-based trucking company. The claimant was injured in an accident in Pennsylvania while transporting a load from Ohio to Massachusetts. A claim was filed for Workers' Compensation. The Law Judge found there were sufficient contacts with New York to establish subject matter jurisdiction over the claim. The Board reversed and dismissed the claim. The Claimant appealed.

Decision: *Affirmed.*

Discussion: The claimant testified to living in New York. He applied for his job with the employer on its website from his home computer. Delta emailed him an employment agreement which he signed and returned to Delta from his home. Thereafter, the claimant began working using his own tractor and renting a trailer from Delta. A witness for the employer testified that they have no offices in New York. The witness stated that drivers such as the claimant would call the dispatcher for assignments. Drivers could call dispatch immediately after completing an assignment or could take a break and go home before taking on more assignments. The claimant additionally testified to calling the employer for assignments, but the record only contained evidence of one phone call being made to dispatch from New York for the claimant's first assignment. There was also no evidence in the record of how many assignments the claimant was given, which required him to pick up or deliver cargo in New York. Based on the foregoing evidence and testimony, the Court agreed that there were insufficient contacts with New York to establish subject matter jurisdiction over the claim.