

## STEWART, GREENBLATT, MANNING & BAEZ

RICARDO A. BAEZ  
DAVID J. GOLDSMITH  
PETER MICHAEL DeCURTIS  
LISA LEVINE  
ANDREA L. De SALVIO  
KRISTY L. BEHR  
RAYMOND J. SULLIVAN  
LUKE R. TARANTINO  
NICOLE A. SUISSA  
JONATHAN R. BAEZ  
DIANE P. WHITFIELD

ROBERT W. MANNING  
MADGE E. GREENBLATT  
*RETIRED*

6800 JERICHO TURNPIKE  
SUITE 100W  
SYOSSET, NY 11791

516-433-6677

FAX 516-433-4342

DONALD R. STEWART (1976-2021)  
KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)

MARIA E. CRETA  
JAMES MURPHY  
MONICA O'BRIEN  
NABISUBI MUSOKE  
SACHEE N. ARROYO  
OF COUNSEL

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

Taiwo Olorode, Appellant

v.

Streamingedge Inc. et. al., Respondents  
Workers' Compensation Board, Respondent

October 10, 2024

**Facts:** This claim was established for occupational diseases of the neck, back and bilateral carpal tunnel syndrome. The claimant worked as a computer system support analyst and the date of disablement was established as 3/17/15. The claimant was classified in 2019 with a PPD and found to have a 25% LWEC. The case was later amended to include depression in 2020 due to the "hostile work environment" and the claimant sought reclassification and an increase in LWEC. Permanency was again litigated with regard to the claimant's depressive disability and the Law Judge found there was insufficient evidence to prove that the claimant's depression was such a sufficient change in condition to warrant an increase in the claimant's LWEC rate. The Board affirmed this decision, and the Claimant appealed.

**Decision:** *Affirmed.*

**Discussion:** The court was not persuaded by the claimant's contention that the Board erred in concluding that he was able to perform his work duties despite his depressive disability. The claimant characterized this as speculative. The Board credited Dr. Conciatori, the Carrier's Consultant, who testified that the claimant's presentation did not change over the two visits two years apart. The record showed that the claimant continued to work from 2015 until 2019 in real estate in addition to selling insurance from 2018 to 2019. The claimant additionally reported to Dr. Conciatori that he stopped working in 2019 due to financial considerations. There was no mention of work-related depression at that time. The Claimant's treating provider additionally conceded the claimant had nonrelated stressors including his

car being broken into, school issues with his son, and interpersonal difficulties with other psychiatrists unrelated to the work accident, which contributed to his depressive disorder. The Court found the Board's determination to be supported by the substantial evidence in the record notwithstanding that the record contained evidence which could have led to the opposite conclusion.

*Stewart, Greenblatt, Manning & Báez*