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

Michael Dipippo, Appellant

v.

Accurate Signs and Awnings et al., Respondents,
Workers' Compensation Board, Respondents

October 3, 2024

Facts: This claim was established for injuries to the claimant's right ribs, right elbow, both hands, left foot, left leg and face following a fall at work. The claim was later amended to include consequential right DVT and obesity. The claimant's right leg was amputated in 2014, and the left leg was amputated in 2018. Claimant represented himself pro se and sought to amend the claim to include the consequential amputation of the right leg as a result of arterial clot / hypercoagulable condition/infection caused by obesity/sedentary lifestyle. The Board disallowed the consequential right leg amputation finding that the medical evidence did not establish a causal nexus between the initial work injury and the consequential injury. The claimant appealed.

Decision: *Affirmed.*

Discussion: The claimant in this case proceeded pro se and testified on his own behalf arguing that his history of medical procedures, years of treatment and online research supported establishing a consequential relationship. The court noted that the claimant failed to qualify as an expert witness, as he did not establish that he had the requisite skill, training, education, knowledge or experience from which it could be assumed that the information imparted, or the opinion rendered was reliable. While the claimant certainly had an opinion on what caused the amputation of his right leg, the claimant's independent analysis was insufficient to establish the causal connection of the amputation of his right leg. In the court's view, the medical record supported, at most, that this was possible or plausible that clotting disorders could have led to the amputation of the claimant's leg.

These generalized statements were insufficient to meet the claimant's burden of proving a causal nexus between the work injury and the amputation of his right leg.

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