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Supreme Court, Appellate Division, Third Department, New York

In the Matter of

NIELDA BARKER, Appellant

v

NEW YORK CITY POLICE DEPARTMENT, Respondent

and

WORKERS' COMPENSATION BOARD

Decided October 3, 2019

- Facts:** The claimant worked for the police department for 29 years, most recently as an evidence property control specialist. Her job duties were the same since 2011. She reported pain in both shoulder and arms in January 2016. She filed a workers' compensation claim in November 2016 for multiple sites due to repetitive trauma. The claimant testified and the WCLJ disallowed the claim. The Board Panel affirmed.
- Holding:** Affirmed.
- Discussion:** The claimant's job duties included the handling of small items of personal property with periodic lifting of heavier items with assistance. Regarding an occupational disease, the claimant's medical reports and claimant's testimony failed to establish a recognizable link between her shoulder injuries and a distinctive feature of her work. The Board and Court also rejected the claimant's argument that she sustained an accident. Although an accidental injury may develop over time, the claimant failed to show that her conditions resulted from "unusual environmental conditions or events assignable to something extraordinary."