

STEWART, GREENBLATT, MANNING & BAEZ

**ATTORNEYS AT LAW
6800 JERICHO TURNPIKE**

**SUITE 100W
SYOSSET, NY 11791**

**516-433-6677
FAX 516-433-4342**

**KAFI WILFORD (2003-2010)
MICHAEL H. RUINA (1992-2016)**

**RAYMOND J. SULLIVAN
MONICA M. O'BRIEN
MARY ELLEN O'CONNOR
JAMES MURPHY
OF COUNSEL**

**DONALD R. STEWART (RET.)
MADGE E. GREENBLATT (RET.)
ROBERT W. MANNING
RICARDO A. BAEZ
DAVID J. GOLDSMITH
PETER MICHAEL DeCURTIS
LAURETTA L. CONNORS
JOHN K. HAMBERGER
LISA LEVINE
ANDREA L. De SALVIO
KRISTY L. BEHR
LUKE R. TARANTINO
THOMAS A. LUMPKIN
JONATHAN SO**

Supreme Court, Appellate Division, Third Department, New York

In the Matter of

RUDOLPH DYER, Claimant

v

CENTRE STREET SYSTEMS INC., Respondent

and

ZURICH AMERICAN INSURANCE COMPANY, Appellant

and

WORKERS' COMPENSATION BOARD

Decided October 3, 2019

Facts: This is a World Trade Center claim where the claimant was found involved in the WTC clean-up. Zurich raised issues including that they did not provide coverage for the employer at the job site where the claimant was working. At a subsequent hearing, Zurich Insurance was found to be the proper carrier for the claimant's employer during the relevant time period. Zurich appealed but the request was denied as they failed to serve a copy of their application to the employer which was necessary given that the arguments raised by Zurich were adverse to the employer's position.

Holding: Affirmed.

Discussion: The Court would not rule on the question of whether Zurich was the proper carrier. As the carrier's application was defective, the Board never reached the merits of such issue.