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Supreme Court, Appellate Division, Third Department, New York

In the Matter of

SHARON LUCKENBAUGH, Appellant

v

GLEN FALLS HOSPITAL et al, Respondents

and

WORKERS' COMPENSATION BOARD

Decided October 3, 2019

Facts: This is an established claim for allergic reactions affecting claimant's nasal and respiratory systems. Five years later, the claimant stopped working and she accepted a voluntary separation severance package. At a future hearing, the claim was amended to include chemical sensitivity syndrome (carrier appealed) and found that the claimant voluntarily removed herself from the labor market (claimant appealed). The Board Panel found both carrier and claimant applications were defective for failure to properly complete the RB-89 form. The claimant appealed.

Holding: Affirmed.

Discussion: On the claimant's application, item #13 was left blank. The claimant was represented by counsel and the Court determined that there was ample notice of the requirements for the RB-89 form.