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Supreme Court, Appellate Division, Third Department, New York

Matter of BALRAM KEMRAJ, Claimant-Appellant  
v  
GARELICK FARMS et al., Respondents,  
and  
WORKERS' COMPENSATION BOARD, Respondent

Decided September 6, 2018

Facts: This claim was established for a left shoulder injury in 2005 and the claimant was found to have a 45% schedule loss of use of the left arm. This schedule loss of use was rescinded in 2012 and the claim was amended to include complex regional pain syndrome. The carrier had submitted an independent medical examination finding no further causally related disability and the claimant's treating physicians found an ongoing disability. The Board found no further causally related disability after September 16, 2013. This appeal ensued.

Holding: *Affirmed.*

Discussion: The Board is empowered to determine the factual issue of whether a causal relationship exists based upon the record, and its determination will not be disturbed when supported by substantial evidence. Although the claimant's treating physicians found an ongoing disability, the Board was within its rights to reject their opinions and find the Independent Medical Examiner's opinion more credible..