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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Donna LEDUC, Claimant,  
v.  
NORTHEASTERN CLINTON CSD et al., Appellants.  
and  
Workers' Compensation Board, Respondent.

September 2, 2021

Facts: Claimant filed a claim in August 2018 for an accident that occurred in February 2018. The claim was controverted on the ground that claimant failed to give timely notice of her injury under WCL §18. The Judge found that, although claimant failed to provide timely notice in accordance with Workers' Compensation Law § 18, insufficient evidence was presented to show that the employer was prejudiced. The Board affirmed the decision.

Holding: *Affirmed.*

Discussion: The Court held that the Board did not abuse its discretion in excusing the late notice and that the decision was supported by substantial evidence. For example, the claimant's co-worker submitted a statement that supported her story and it could still investigate the site of injury, even though the snow that was there at the time of the injury had melted.