

**STEWART, GREENBLATT, MANNING & BAEZ**

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  
RAYMOND J. SULLIVAN  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN  
DIANE P. WHITFIELD

ATTORNEYS AT LAW  
6800 JERICHO TURNPIKE  
SUITE 100W  
SYOSSET, NY 11791  
516-433-6677  
FAX 516-433-4342

DONALD R. STEWART (1949-2021)  
KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)

JAMES MURPHY  
OF COUNSEL

Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of Lynda M. VALDEZ, Respondent,  
v.  
DELTA AIRLINES, INC., et al., Appellants.  
and  
Workers' Compensation Board, Respondent.

September 2, 2021

Facts: Claimant is a flight attendant who alleged that as a result of her uniform she developed contact dermatitis, reactive airway disease and lymphadenopathy. The Judge established the claim as an accident but on appeal, the Board exercised its continuing jurisdiction under Workers' Compensation Law § 123 and established the claim for an occupational disease as opposed to an accident. This appeal ensues.

Holding: *Affirmed.*

Decision: There was sufficient evidence presented to the Board to substantiate its decision. This included the testimony of the claimant's doctor, the fact that other co-workers had similar reactions to the uniform, that the claimant's symptoms eased somewhat when she wore an alternate uniform, and the toxicology report provided by the employer did not include a test for the particular chemical to which the claimant was allergic.