

STEWART, GREENBLATT, MANNING & BAEZ

ATTORNEYS AT LAW

MADGE E. GREENBLATT (RET.)
ROBERT W. MANNING
RICARDO A. BAEZ
DAVID J. GOLDSMITH
PETER MICHAEL DeCURTIS
LAURETTA L. CONNORS
LISA LEVINE
ANDREA L. De SALVIO
KRISTY L. BEHR
RAYMOND J. SULLIVAN
LUKE R. TARANTINO
THOMAS A. LUMPKIN
DIANE P. WHITFIELD

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 TARA BROWN, Respondent,

v.

BUFFALO TRANSPORTATION, Respondent,

and

SOUTHEAST PERSONNEL LEASING, INC., et al., Appellants,

WORKERS' COMPENSATION BOARD, Respondent.

August 31, 2023

Facts: Claim involved multiple injuries sustained in a motor vehicle accident. The claim was controverted on a question of employer-employee relationship issue, with the carrier for an employee leasing company arguing that the claimant was not a leased employee and that the policy was no longer in effect on that date of accident. Following litigation the appellants were found to be the correct employer and carrier for the claimant. The decision was appealed to the Board and affirmed at that level.

Holding: *Dismissed as moot.*

Discussion: After this appeal was perfected, the Board Memorandum of Decision appealed from was amended, based on two other Third Department decisions, including another claim involving the same alleged employer. The Board, based on these two decisions, amended the Memorandum of Decision to find that the claimant was not a leased employee and that the policy in question did not provide coverage. Inasmuch as the appellants were no longer aggrieved parties, the appeal was moot, and the matter was dismissed.