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Supreme Court, Appellate Division, Third Department, New York

In the Matter of SAMUEL R. SNYDER, Respondent

v.

BETTE CRING et al, Appellants

WORKERS' COMPENSATION BOARD, Respondent

June 30, 2016

Facts: The claimant has an established case for injuries to the left wrist and left shoulder. The claimant was awarded Workers' Compensation benefits. The carrier raised the issue of violation of Section 114-a as the claimant failed to disclose any prior similar injuries involving the left shoulder and wrist. The Workers' Compensation Law ruled that the claimant did not violate Workers' Compensation Law Section 114-a and continued benefits. The Board affirmed and the employer appealed.

Holding: Affirmed.

Discussion: The Court noted that Section 114-a(1) provides that a claimant who knowingly makes a false statement or representation as to a material fact...shall be disqualified from receiving any compensation directly attributable to such false statement or representation. The Court noted the Board is the sole arbiter of witness credibility and its determination that the claimant violated Workers' Compensation Law Section 114-a will be upheld if supported by substantial evidence. The claimant gave testimony in this matter that he did inform the doctors about the left shoulder and wrist pain he experienced on and off for years prior to this accident and noted that the doctor's notes were inaccurate. Additionally, although the claimant responded "No" to the C-3 question asking if he "remembered" having another injury to the same body part or a similar illness, the claimant explained he did not consider pain an injury to be synonymous. The Board chose to credit the claimant's exculpatory explanation that he considered an injury to be more than the mere presence of pain. Substantial evidence supported the Board Decision that the claimant did not violate Section 114-a.