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Supreme Court, Appellate Division, Third Department, New York

In the Matter of

JOHN B. CARTAFALSA, Claimant

v

ZURICH AMERICAN INSURANCE COMPANY, Appellant

and

WORKERS' COMPENSATION BOARD

Decided September 26, 2019

Facts: The claimant alleged a work-related myocardial infarction in August, 2017. The case was placed within the expedited hearing process. Testimony was completed of the claimant, lay witness and parties' medical experts. At the outset of the final hearing, the claimant requested that a medical record review be considered but the WCLJ precluded the report and disallowed the claim based on a lack of causal relationship. The Board Panel affirmed, and the claimant appealed.

Holding: Affirmed.

Discussion: The medical review report was properly precluded as it was only presented at the time of the final expedited hearing which was solely scheduled for summations. Turning to the merits of causal relationship, the Court found that the Board's decision to disallow the claim was supported by substantial evidence, noting that the claimant's treating physician's opinion was speculative in nature.