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Supreme Court, Appellate Division, Third Department, New York

In the Matter of

DEBORAH CHRISTAINSEN-MAVRIGIANNAKIS, Claimant

v

NOMURA SECURITIES INTERNATIONAL, INC, Appellant

and

WORKERS' COMPENSATION BOARD

Decided September 26, 2019

Facts: The claimant sustained a slip and fall and the case was accepted and established for injuries to the neck and back. A claim was brought for additional sites including the left shoulder, bilateral carpal tunnel and right cubital tunnel syndromes. The WCLJ amended the claim to include the left shoulder, disallowed the bilateral carpal tunnel and right cubital tunnel syndromes and found a mild disability. The Board Panel reversed and amended the claim to include all additional sites and found a total disability.

Holding: Affirmed and reversed in part.

Discussion: There was substantial evidence to support the Board's determination of amending the claim to include the left shoulder and entering awards at a temporary total disability rate. There was not substantial evidence to support amending the claim to include the bilateral carpal and right cubital tunnel syndromes.