

**STEWART, GREENBLATT, MANNING & BAEZ**

**ATTORNEYS AT LAW  
6800 JERICHO TURNPIKE**

**SUITE 100W  
SYOSSET, NY 11791**

**516-433-6677  
FAX 516-433-4342**

**KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)**

**RAYMOND J. SULLIVAN  
MONICA M. O'BRIEN  
MARY ELLEN O'CONNOR  
JAMES MURPHY  
OF COUNSEL**

**DONALD R. STEWART (RET.)  
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  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN  
JONATHAN SO**

Supreme Court, Appellate Division, Third Department, New York

In the Matter of

JAMES CURCIO, Appellant

v

SHERWOOD 370 MANAGEMENT, LLC, Respondent

and

WORKERS' COMPENSATION BOARD

Decided September 26, 2019

**Facts:** The parties entered into a Section 32 settlement agreement which was to become final on May 29, 2017 and that the award was payable within 10 days. The carrier issued payment on June 9, 2017. The claimant requested a late payment penalty. The WCLJ and Board did not find a late payment penalty was appropriate.

**Holding:** Affirmed.

**Discussion:** May 29, 2017 was Memorial Day, which due to the Holiday, the agreement became final on May 30, 2017 and payment on June 9, 2017 was timely. In their appeal, the claimant's attorney acknowledged that due to the Holiday the agreement became final on May 30, 2017 and therefore, there is no dispute that 10 days from that date would include June 9, 2017.