

STEWART, GREENBLATT, MANNING & BAEZ

**ATTORNEYS AT LAW
6800 JERICHO TURNPIKE**

**SUITE 100W
SYOSSET, NY 11791**

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

**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**

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

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

Supreme Court, Appellate Division, Third Department, New York

In the Matter of

CINDY LEE McCORRY, Appellant

v

BOCES OF CLINTON, ESSEX, WARREN and WASHINGTON COUNTIES, Respondent

and

WORKERS' COMPENSATION BOARD

Decided September 26, 2019

Facts: The claimant was found to have a 75% loss of earning capacity and a WCLJ found that the claimant was not attached to the labor market after an appeal had remanded to the Board for further development. The claimant appealed and the Board denied the application for failure to properly complete the RB-89 form by leaving question 15 blank.

Holding: Affirmed.

Discussion: 12 NYCRR 300.13 (b)(1) requires that form RB-89 be completed in its entirety. Leaving question 15 blank is a fatal flaw and the all of the Board's publications have made this known.