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Workers' Compensation Full Board Meeting Minutes

Date: Tuesday, December 17, 2024
Location: 328 State Street, Schenectady, NY
Room 324
Webcast Live

Time: 10:00 a.m.

MEMBERS OF THE BOARD

Clarissa M. Rodriguez, Chair
Freida Foster, Vice Chair
Mark Higgins
Loren Lobban, Esq. (Excused)
Samuel Williams
Linda Hull
Mark Stasko
Steven A. Crain, Esq.
Pamela Caggianelli
Martin M. Dilan
Arelis Tavares
Renee Delgado, Esq.
Gloribelle Perez, Esq.

SECRETARY TO THE BOARD

Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

SENIOR ATTORNEY

Benjamin Jacobs, Esq.

1 CLARISSA RODRIGUEZ: Okay. Good morning,
2 everyone.

3 ALL: Good morning.

4 CLARISSA RODRIGUEZ: Good morning. Thank
5 you for joining us this morning. I am
6 Clarissa Rodriguez, Chair of the New York State
7 Workers' Compensation Board. Today's Full Board
8 meeting is being webcast live for members of the
9 public. Welcome and thank you for joining us.

10 I now have the honor of calling the 1,038th
11 meeting of the Full Board to order. Madam Secretary,
12 will you please call attendance?

13 LAURA INGLIS: Vice Chair Foster.

14 FREIDA FOSTER: Here.

15 LAURA INGLIS: Board Member Higgins.

16 MARK HIGGINS: Here.

17 LAURA INGLIS: Board Member Williams.

18 SAMUEL WILLIAMS: Here.

19 LAURA INGLIS: Board Member Hull.

20 LINDA HULL: Here.

21 LAURA INGLIS: Board Member Crain.

22 STEVEN CRAIN: Here.

23 LAURA INGLIS: Board Member Stasko.

24 MARK STASKO: Here.

1 LAURA INGLIS: Board Member Tavares.
2 ARELIS TAVARES: Here.
3 LAURA INGLIS: Board Member Caggianelli.
4 PAMELA CAGGIANELLI: Here.
5 LAURA INGLIS: Board Member Dilan.
6 MARTIN DILAN: Here.
7 LAURA INGLIS: Board Member Delgado.
8 RENEE DELGADO: Here.
9 LAURA INGLIS: And, Board Member Perez.
10 GLORIBELLE PEREZ: Here.
11 LAURA INGLIS: Madam Chair, Board Member
12 Lobban has requested to be excused.
13 CLARISSA RODRIGUEZ: Okay. Thank you, Madam
14 Secretary. Board Members, may I please have a motion
15 to approve the absence of Board Member Lobban?
16 MARK HIGGINS: Yes, Madam Chair. I move to
17 approve the absence of Board Member Lobban.
18 CLARISSA RODRIGUEZ: Okay. Thank you very
19 much, Board Member Higgins. Is there a second?
20 MARK STASKO: Yeah. I second that motion.
21 CLARISSA RODRIGUEZ: Okay. Thank you, Board
22 Member Stasko. Is there any opposition to the motion?
23 Okay. Hearing none, Board Members all in favor,
24 please say aye.

1 ALL: Aye.

2 CLARISSA RODRIGUEZ: All opposed? Okay. I
3 hear none. I am also a yes. That motion is passed.
4 Thank you, Board Members.

5 Agenda Item 1, approval of the November 19th,
6 2024 meeting minutes.

7 UNIDENTIFIED SPEAKER: (Inaudible) roll
8 call.

9 CLARISSA RODRIGUEZ: Board Members, you have
10 all received (audio fades) -- sorry. Board Members,
11 you have all received the Board meeting minutes, the
12 November Board meeting minutes for your review. Are
13 there any questions or need for a discussion? Hearing
14 none, may I please have a motion to accept the
15 November 19th, 2024 Board meeting minutes.

16 SAMUEL WILLIAMS: Board Member Williams, I
17 move to accept the minutes.

18 CLARISSA RODRIGUEZ: Thank you, Board Member
19 Williams. Is there a second?

20 UNIDENTIFIED SPEAKER: Madam Chair --

21 LINDA HULL: Board Member Hull. I second
22 that.

23 CLARISSA RODRIGUEZ: Okay. Thank you, Board
24 Member Hull. Is there any opposition to the motion?

1 Okay. Hearing no opposition, Board Members all in
2 favor, please say aye.

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: Thank you. All
5 opposed? Hearing none, I am also a yes. That motion
6 is passed. Thank you, Board Members.

7 Agenda Item 2, Office of General Counsel's
8 Departmental Report. General Counsel,
9 Heather MacMaster, will now present the Office of
10 General Counsel's Departmental Report for the month of
11 November.

12 HEATHER MACMASTER: Thank you, Madam Chair,
13 Madam Vice Chair, Members of the Board. In November
14 of 2024 in the Office of General Counsel, the
15 Adjudication Division held 16,646 hearings. They
16 resolved 11,066 cases at the hearing and issued 286
17 Reserve Decisions. The Adjudication Division also
18 finalized 1,902 Waiver Agreements.

19 In the Administrative Review Division, there were
20 929 applications received, 965 were processed. There
21 are currently 7,920 applications pending. And in the
22 Legal Affairs Division, 74 Full Board Review
23 applications were received, 75 were processed and
24 there are currently 193 applications pending. Thank

1 you.

2 CLARISSA RODRIGUEZ: Thank you, Heather.
3 Board Members, are there any questions or need for
4 discussion? Hearing none, may I please have a motion
5 to accept the Office of General Counsel's Departmental
6 Report for the month of November?

7 PAMELA CAGGIANELLI: Madam Chair, this is
8 Board Member Caggianelli, and I move that we accept
9 the General Counsel Department Report.

10 MARTIN DILAN: Board Member Dilan. I'll
11 second.

12 CLARISSA RODRIGUEZ: Thank you. Thank you
13 both, Board Members Caggianelli and Board Member
14 Dilan, for that second. Is there any opposition to
15 the motion? Okay. Hearing none, Board Members all in
16 favor, please say aye.

17 ALL: Aye.

18 CLARISSA RODRIGUEZ: All opposed? Okay.
19 Hearing no opposition, I am also a yes. That motion
20 is passed. Thank you.

21 Agenda Item 3, License Applications. Now, Senior
22 Attorney, Benjamin Jacobs, will now present the
23 Licensing Applications for the past month. Thank you.

24 BENJAMIN JACOBS: Good morning, Madam Chair,

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Madam Vice Chair.

CLARISSA RODRIGUEZ: Morning.

BENJAMIN JACOBS: Board Members and colleagues, you have before you the recommendation from the Assigned Board Panel regarding the Licensing Application listed in Part 3 of today's agenda. Section 24-a, there are none. Section 50(3-b) there are none. Section 50(3-d), Cervus Claims Solutions, LLC, new qualifying officer, Anna Widger, Esquire, three years; Hartford Life & Accident Insurance Company, new qualifying officer, Anna Widger, Esquire, three years. I present the recommendations to the Board for your consideration.

CLARISSA RODRIGUEZ: Thank you, Ben. Board Members, are there any questions or need for a discussion? Okay. Hearing none, may I please have a motion to accept the recommendations of the Board Panels as presented?

STEVEN CRAIN: I move to accept the recommendations of the Board Panel.

CLARISSA RODRIGUEZ: Thank you, Board Member Crain. Is there a second?

LINDA HULL: I second that motion.

CLARISSA RODRIGUEZ: Okay. Thank you, Board

1 Member Hull. Is there any opposition to the motion?
2 Okay. Hearing none, Board Members all in favor,
3 please say aye.

4 ALL: Aye.

5 CLARISSA RODRIGUEZ: All opposed? Okay. I
6 am also a yes. That motion is passed. Thank you,
7 Board Members. Thank you, Ben.

8 Agenda Item 4, Legal Appeals. Heather MacMaster
9 will now present the recommendations concerning
10 decisions by the Appellate Division.

11 HEATHER MACMASTER: Thank you, Madam Chair.
12 With respect to Items 4A through 4E, it is the
13 recommendation of the Office of General Counsel that
14 the decisions of the Appellate Division, Third
15 Department be adopted as the decisions of the Board.

16 CLARISSA RODRIGUEZ: Thank you, Heather.
17 Board Members, may I please have a motion to accept
18 the recommendations of the Office of General Counsel?

19 PAMELA CAGGIANELLI: Madam Chair, I'm -- I
20 will make a motion that we accept that decision from
21 the General Counsel.

22 CLARISSA RODRIGUEZ: Thank you, Board Member
23 Caggianelli. Is there a second?

24 UNIDENTIFIED SPEAKER: I second.

1 MARK STASKO: Yeah, I second that motion.

2 CLARISSA RODRIGUEZ: Okay. That was Stasko.

3 I had an out-of-body --

4 MARK STASKO: Sorry.

5 CLARISSA RODRIGUEZ: -- experience. I was

6 looking at her and I heard this voice. Thank you. Is

7 there any opposition to the motion? Okay. Hearing no

8 opposition, Board Members all in favor, please say

9 aye.

10 ALL: Aye.

11 CLARISSA RODRIGUEZ: Okay. All opposed? I

12 hear no opposition. I am also a yes. That motion is

13 passed. Thank you, Board Members.

14 Agenda Item 5, Mandatory Full Board Review. We

15 have Case 5A on our agenda. It's New York City

16 Transit Authority, Case Number G3581991. Now, is

17 there a motion with respect to 5A on the agenda?

18 STEVEN CRAIN: Yes, Madam Chair. Board

19 Member Crain. I move that the opinion of the majority

20 be adopted as the opinion of the Full Board as

21 modify -- opinion of the majority as modified be

22 adopted as the opinion of the Full Board.

23 CLARISSA RODRIGUEZ: Thank you, Board Member

24 Crain. Is there a second?

1 SAMUEL WILLIAMS: Yes, Madam Chair. Board
2 Member Williams. I second that motion.

3 CLARISSA RODRIGUEZ: Thank you, Board Member
4 Williams. Are there any recusals from this matter?
5 Okay. Hearing none, is there any opposition to the
6 motion?

7 LINDA HULL: Yes.

8 CLARISSA RODRIGUEZ: Okay. Thank you, Board
9 Member Hull. In light of the opposition, I call upon
10 the Secretary for a roll call vote.

11 LAURA INGLIS: Board Member Caggianelli.

12 PAMELA CAGGIANELLI: No.

13 LAURA INGLIS: Board Member Crain.

14 STEVEN CRAIN: Yes.

15 LAURA INGLIS: Board Member Delgado.

16 RENEE DELGADO: Yes.

17 LAURA INGLIS: Board Member Dilan.

18 MARTIN DILAN: Yes.

19 LAURA INGLIS: Board Member Higgins.

20 MARK HIGGINS: Yes.

21 LAURA INGLIS: Board Member Hull.

22 LINDA HULL: No.

23 LAURA INGLIS: Board Member Perez.

24 GLORIBELLE PEREZ: Yes.

1 LAURA INGLIS: Board Member Stasko.
2 MARK STASKO: No.
3 LAURA INGLIS: Board Member Tavares.
4 ARELIS TAVARES: Yes.
5 LAURA INGLIS: Board Member Williams.
6 SAMUEL WILLIAMS: Yes.
7 LAURA INGLIS: Vice Chair Foster.
8 FREIDA FOSTER: Yes.
9 LAURA INGLIS: And, Madam Chair.
10 CLARISSA RODRIGUEZ: Yes.
11 LAURA INGLIS: The motion is passed.
12 CLARISSA RODRIGUEZ: Thank you, Madam
13 Secretary. Thank you, Board Members.

14 Agenda Item 6, Discretionary Full Board Review.
15 I now turn this portion of the agenda over to Vice
16 Chair Freida Foster. Good morning.

17 FREIDA FOSTER: Good morning. Thank you,
18 Madam Chair. For the cases listed in -- in Item 6 on
19 your agenda, it has been recommended that Full Board
20 Review be granted. Those cases are 6A, Matter of New
21 York City Transit Authority; 6B, Hyde Park Central
22 School District; 6C, NYPD Traffic; 6D, City of
23 Buffalo. I move to refer the cases back to their
24 respective Panels for further consideration.

1 CLARISSA RODRIGUEZ: Thank you, Vice Chair
2 Foster. Is there a second?
3 UNIDENTIFIED SPEAKER: Yes, I --
4 LINDA HULL: This is Board Member Hull. I
5 second that.
6 CLARISSA RODRIGUEZ: I'm going to give it to
7 Board Member Perez. She's been working for it.
8 UNIDENTIFIED SPEAKER: Yes, she --
9 (Parties speaking simultaneously.)
10 CLARISSA RODRIGUEZ: Are there any recusals
11 from this matter? Okay. Is there any opposition to
12 the motion? Okay. Hearing no opposition, Board
13 Members all in favor, please say aye.
14 ALL: Aye.
15 CLARISSA RODRIGUEZ: Thank you. All
16 opposed? I hear no opposition. I am also a yes.
17 That motion is passed. Thank you, Board Members. Is
18 there any other business? Okay. Board Members,
19 hearing no other business, may I please have a motion
20 to adjourn today's meeting?
21 LINDA HULL: This is Board Member Hull. I
22 move to adjourn.
23 CLARISSA RODRIGUEZ: Thank you --
24 STEVEN CRAIN: Second. Board Member Crain.

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CLARISSA RODRIGUEZ: -- Board Member Hull.
And thank you, Board Member Crain. Is there any
opposition to the motion? Okay. Hearing no
opposition, Board Members all in favor, please say
aye.

ALL: Aye.

CLARISSA RODRIGUEZ: Thank you. All
opposed? I am also a yes. That motion is passed.
Have a great holiday, everyone.

ALL: You too.

WHEREUPON THE CASE WAS ADJOURNED.