

1 **Workers' Compensation Full Board Meeting Minutes**

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4 **Date:** Tuesday, October 22, 2024
5 **Location:** 328 State Street, Schenectady, NY
6 Room 324
7 Webcast Live

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11 **Time:** 10:00 a.m.

12 **MEMBERS OF THE BOARD**

13 Clarissa M. Rodriguez, Chair
14 Freida Foster, Vice Chair
15 Mark Higgins (appeared remotely per Public Officers Law §
16 103-a[2][c])
17 Loren Lobban, Esq. (Excused)
18 Samuel Williams
19 Linda Hull
20 Mark Stasko
21 Steven A. Crain, Esq.
22 Pamela Caggianelli
23 Martin M. Dilan
24 Arelis Tavares
Renee Delgado, Esq.
Gloribelle Perez, Esq.

SECRETARY TO THE BOARD

Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

ASSOCIATE ATTORNEY

Heather Justice, Esq.

1 CLARISSA RODRIGUEZ: Good morning, everyone.

2 ALL: Good morning.

3 CLARISSA RODRIGUEZ: Morning. Thank you for
4 joining us this morning. I'm Clarissa Rodriguez,
5 Chair of the New York State Workers' Compensation
6 Board. Today's Full Board meeting is being webcast
7 live for members of the public, so welcome, everyone.
8 It is also being facilitated by an American Sign
9 Language interpreter. Thank you, Interpreter, for
10 being here.

11 I now have the honor of calling the 1,036th
12 meeting of the Full Board to order. Madam Secretary,
13 will you please call attendance?

14 LAURA INGLIS: Vice Chair Foster.

15 FREIDA FOSTER: Here.

16 LAURA INGLIS: Board Member Higgins.

17 MARK HIGGINS: (No audible response.)

18 LAURA INGLIS: Okay.

19 CLARISSA RODRIGUEZ: We're -- we're trying
20 to unmute. Is it not working?

21 LAURA INGLIS: I'm not able to.

22 CLARISSA RODRIGUEZ: Okay. Well --

23 UNIDENTIFIED SPEAKER: He's here.

24 (Parties speaking simultaneously.)

1 CLARISSA RODRIGUEZ: -- we know --
2 LAURA INGLIS: He is present.
3 CLARISSA RODRIGUEZ: -- he's present.
4 (Inaudible).
5 UNIDENTIFIED SPEAKER: Let the record
6 reflect he's present.
7 LAURA INGLIS: Remotely present. Board
8 Member Williams.
9 CLARISSA RODRIGUEZ: There we go.
10 SAMUEL WILLIAMS: Here.
11 LAURA INGLIS: Board Member -- Board Member
12 Hull.
13 LINDA HULL: Here.
14 LAURA INGLIS: Board Member Crain.
15 STEVEN CRAIN: Here.
16 LAURA INGLIS: Board Member Stasko.
17 MARK STASKO: Here.
18 LAURA INGLIS: Board Member Tavares.
19 ARELIS TAVARES: Here.
20 LAURA INGLIS: Board Member Caggianelli.
21 PAMELA CAGGIANELLI: Here.
22 LAURA INGLIS: Board Member Dilan.
23 MARTIN DILAN: Here.
24 LAURA INGLIS: Board Member Delgado.

1 RENEE DELGADO: Here.

2 LAURA INGLIS: And, Board Member Perez.

3 GLORIBELLE PEREZ: Here.

4 LAURA INGLIS: Madam Chair, Board Member

5 Higgins is joining us remotely and Board Member Lobban

6 has requested to be excused.

7 CLARISSA RODRIGUEZ: Thank you, Madam

8 Secretary. Board Members, may I please have a motion

9 to accept the absence of Board Member Loren Lobban?

10 MARTIN DILAN: So moved.

11 CLARISSA RODRIGUEZ: Thank --

12 MARTIN DILAN: Board Member Dilan.

13 CLARISSA RODRIGUEZ: Thank you.

14 UNIDENTIFIED SPEAKER: And I second.

15 CLARISSA RODRIGUEZ: Is there a second?

16 Thank you so much. Is there any opposition to the

17 motion? Okay. Hearing no opposition, Board Members

18 all in favor, please say aye.

19 ALL: Aye.

20 CLARISSA RODRIGUEZ: All opposed? I hear no

21 opposition. I am also a yes. That motion is passed.

22 Board Member Lobban is excused. Thank you.

23 Agenda Item 1, approval of the September 17th,

24 2024 meeting minutes. Board Members, you've all

1 received a copy of the September 2024 meeting minutes
2 for your review. Are there any questions or need for
3 a discussion? Hearing none, is there a motion to
4 approve the Board meeting minutes?

5 LINDA HULL: Yes, Madam Chair. This is
6 Board Member Hull, and I move that we accept the Board
7 meeting minutes.

8 CLARISSA RODRIGUEZ: Thank you, Board Member
9 Hull. Is there a second?

10 PAMELA CAGGIANELLI: Madam Chair, this is
11 Board Member Caggianelli, and I second that motion.

12 CLARISSA RODRIGUEZ: Thank you, Board Member
13 Caggianelli. Is there any opposition to the motion?
14 Hearing none, Board Members all in favor, please say
15 aye.

16 ALL: Aye.

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

20 Agenda Item 2, Office of General Counsel's
21 Departmental Report. General Counsel,
22 Heather MacMaster, will now present the Office of
23 General Counsel's Departmental Report for the month of
24 September.

1 HEATHER MACMASTER: Thank you. Good
2 morning, Madam Chair, Madam Vice --

3 CLARISSA RODRIGUEZ: Good morning.

4 HEATHER MACMASTER: -- Chair, members of the
5 Board. In September 2024 in the Office of General
6 Counsel, the Adjudication Division held 17,226
7 hearings. They resolved 11,345 cases at hearing and
8 issued 314 Reserve Decisions. The Adjudication
9 Division also finalized 1,359 Section 32 agreements.

10 In an -- in the Administrative Review Division,
11 994 applications were received, 859 were processed and
12 there are currently 7,889 applications pending. In
13 the Legal Affairs Division, 68 applications for Full
14 Board Review were reviewed, 77 were processed and
15 there are currently 169 cases pending.

16 CLARISSA RODRIGUEZ: Thank you, Heather.
17 Board Members, are there any questions or need for
18 discussion? Hearing none, may I please have a motion
19 to accept the Office of General Counsel's Departmental
20 Report for the month of September?

21 RENEE DELGADO: Yes, Madam Chair. Board
22 Member Delgado. I make the motion to accept the
23 Office of General Counsel's Departmental Report.

24 CLARISSA RODRIGUEZ: Thank you, Board Member

1 Delgado. Is there a second?

2 UNIDENTIFIED SPEAKER: And I second that.

3 MARK STASKO: Yes, Madam Chair. Mark
4 Stasko, I second.

5 CLARISSA RODRIGUEZ: Thank you, Board Member
6 Stasko. Is there any opposition to the motion? Okay.
7 Hearing no opposition, Board Members all in favor,
8 please say aye.

9 ALL: Aye.

10 CLARISSA RODRIGUEZ: All opposed? Hearing
11 no opposition, I am also a yes. That motion is
12 passed. Thank you.

13 Agenda Item 3, License Applications. Associate
14 Attorney, Heather Justice, will now present any
15 Licensing Applications we had for the month of
16 September. Thank you, Heather.

17 HEATHER JUSTICE: Good morning, Madam Chair,
18 Madam Vice Chair, Board Members and colleagues. You
19 have before you the recommendations from the Assigned
20 Board Panel regarding the Licensing Applications
21 listed in Part 3 of today's agenda.

22 Section 24-a, Thomas Prisco, three-year renewal;
23 Section 50(3-b), Amalgamated Employee Benefits
24 Administrators, Inc., renewal until the end of the

1 term on 2/28/2026 and approval of the new qualifying
2 officer; James P. Reagan Agency, Inc., initial
3 application, one-year period; Maxon Administrators,
4 three-year renewal. I present these recommendations
5 to the Board for your consideration.

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

11 SAMUEL WILLIAMS: Yes, Madam Chair. This is
12 Board Member Williams, and I move to accept that
13 recommendation.

14 CLARISSA RODRIGUEZ: Thank you, Board Member
15 Williams. Is there a second?

16 GLORIBELLE PEREZ: Board Member Perez
17 seconds that motion.

18 CLARISSA RODRIGUEZ: Thank you, Board Member
19 Perez. Is there any opposition to the motion? Okay.
20 Hearing no opposition, Board Members all in favor,
21 please say aye.

22 ALL: Aye.

23 CLARISSA RODRIGUEZ: All opposed? Okay.
24 Hearing no opposition, I am also a yes. That motion

1 is passed. Thank you.

2 Agenda Item 4, Legal Appeals. Heather MacMaster
3 will now present the recommendations concerning
4 decisions by the Appellate Division.

5 HEATHER MACMASTER: Thank you, Madam Chair.
6 With respect to Items 4A through 4N, it is the
7 recommendation of the Office of General Counsel that
8 the decisions of the Appellate Division, Third
9 Department be adopted as the decisions of the Board.

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

13 PAMELA CAGGIANELLI: Yes, Madam Chair. This
14 is Board Member Caggianelli, and I move that we accept
15 the -- the Legal Appeals as stated.

16 CLARISSA RODRIGUEZ: Thank you. Is there a
17 second?

18 STEVEN CRAIN: Board Member Crain, second.

19 CLARISSA RODRIGUEZ: Thank you, Board Member
20 Crain. Is there any opposition to the motion? Okay.
21 Hearing no opposition, Board Members all in favor,
22 please say aye.

23 ALL: Aye.

24 CLARISSA RODRIGUEZ: All opposed? Hearing

1 no opposition, I am also a yes. That motion is
2 passed. Agenda Item 5, there are no Mandatories for
3 discussion this month, so we'll move on to our cases
4 on Discretionary Full Board Review. And I now turn
5 this portion of the agenda over to my Vice Chair
6 Freida Foster.

7 FREIDA FOSTER: Thank you, Madam Chair. For
8 the cases listed in Item 6 on your -- I'm sorry. For
9 the cases listed in Item 6 on your agenda, it is
10 recommended that Full Board Review be granted. Those
11 cases are 6A, New York State Department of
12 Corrections; 6B, Sam's Club, the Matter of Sam's Club;
13 6C, the Matter of Sullivan Correctional Facility; and
14 6D, the Matter of DOCCS Mid-State Correctional
15 Facility. I move to refer the cases back to their
16 respective Panels for further consideration.

17 CLARISSA RODRIGUEZ: Thank you, Vice Chair
18 Foster. Is there a second?

19 ARELIS TAVARES: I second, Board Member
20 Tavares.

21 CLARISSA RODRIGUEZ: Thank you, Board Member
22 Tavares. Are there any recusals from any of these
23 cases? Hearing none, is there any opposition to the
24 motion? Hearing no opposition, Board Members all in

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favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: Okay. All opposed?
Okay. Hearing no opposition, I am also a yes. That
motion is passed. Thank you, Vice Chair Foster.
Board Members, is there any other business this month
to discuss? Okay. Hearing no other business, may I
please have a motion to adjourn today's meeting?

LINDA HULL: Yes, Madam Chair. I move to
adjourn today's meeting, Linda Hull.

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

PAMELA CAGGIANELLI: Madam Chair, this is
Pam Caggianelli, and I second that motion.

CLARISSA RODRIGUEZ: Thank you. Is there
any opposition to the motion? Hearing none, Board
Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Thank
you. I am also a yes. That motion is passed.
Meeting adjourned.

WHEREUPON, THE MEETING WAS ADJOURNED.