

*MINUTES OF THE 1023rd MEETING OF THE FULL BOARD
NYS WORKERS' COMPENSATION BOARD*

HELD IN Schenectady, New York
Live Webcast

July 18, 2023

Board Members:

Chair Clarissa Rodriguez
Vice Chair Freida Foster
Board Member Mark Higgins
Board Member Loren Lobban
Board Member Samuel Williams
Board Member Linda Hull
Board Member Steven Crain
Board Member Mark Stasko
Board Member Arelis Tavares
Board Member Pamela Caggianelli
Board Member Martin Dilan
Board Member Renee Delgado
Board Member Gloribelle Perez

Secretary to the Board

Laura Inglis

General Counsel

Heather MacMaster

Guests

Executive Director, Steve Scotti
Senior Attorney, Eugene Martin
Public Information Office, Craig Smith
Advocate for Injured Workers, Joe Cavalcante/Michelle Murphy

The Board meeting was webcast live for members of the public.

The Chair called the 1023rd meeting of the Full Board to order. All members were present.

The first order of official business was the approval of the June 13, 2023, meeting minutes. The Board voted unanimously to accept the minutes as submitted.

Acting General Counsel Heather MacMaster presented the statistical and informational report of the three divisions of the Office of General Counsel responsible for deciding cases for June 2023.

The Full Board voted unanimously to accept the statistical & informational reports of the Office of General Counsel.

Senior Attorney Eugene Martin presented recommendations regarding licensure to practice before the Workers' Compensation Board for the Full Board's approval.

Section 24-a – Claimant Representatives

Judith Ramos Meier
Teresa Baerga

Section 50(3-b) – Domestic TPA

Omni Underwriting Managers LLC dba Future Comp
Daniel Conley - Qualifying Officer
Recommendation: 3-year renewal

GCG Risk Management Inc.
Amy Levitt, Esq. - Qualifying Officer
Recommendation: 3-year renewal

NCA Comp Inc.
Kevin Gregory - Qualifying Officer
Recommendation: 3-year renewal

Oryx Insurance Brokerage Inc.
Christopher Whyland, Esq. - Qualifying Officer
Recommendation: 3-year renewal

St. Lawrence-Lewis BOCES
Daniel Falge, Esq. - Qualifying Officer
Recommendation: 3-year renewal

Section 50(3-d) – Foreign TPA

Sedgwick Claims Management Services Inc.
Matthew Mead, Esq. - Qualifying Officer
Recommendation: 3-year renewal

UPMC Benefit Management Services Inc.
Christopher Whyland, Esq. - Qualifying Officer
Recommendation: 2-year renewal

The Board voted unanimously to approve the licensing application recommendations.

General Counsel Heather MacMaster presented the Legal Appeals' recommendations concerning decisions by the Appellate Division, Third Department.

The Appellate Division, Third Department, issued two decisions concerning workers' compensation cases; one modified and one dismissed.

The recommendation of the Office of General Counsel was that the decisions of the Third Department be adopted as the decisions of the Board.

After discussion and consideration, the Board voted unanimously to accept the recommendations of General Counsel.

RESOLVED, that the Orders of the Appellate Division, Third Department, in the cases:

- 4A. *Kenneth Attreed vs. Five Star Electric Corporation, et al.*
CASE #: G277 2539
- 4B. *Lidia Pena vs. Cardinal McCloskey School, et al.*
CASE #: G080 8201

be there and the same, hereby are made Orders of the Board.

MANDATORY FULL BOARD (WCL § 23)

The Chair asked for a motion regarding the following Mandatory Full Board Review (WCL §23) cases:

- 5A. MATTER OF NYC DEP
CASE #: G322 3565

On motion made by Board Member Williams, seconded by Board Member Lobban, the Board voted 10-3 to adopt the majority decision.

RODRIGUEZ - Y; FOSTER - Y; HULL -N; HIGGINS - Y; WILLIAMS - Y; LOBBAN - Y; CRAIN - Y; STASKO - N; DILAN - Y; TAVARES - Y; CAGGIANELLI - N; DELGADO - Y; PEREZ - Y;

DISCRETIONARY FULL BOARD (WCL §142)

- 6A. MATTER OF FORDHAM UNIVERSITY
CASE #: G129 7069

RESOLVED, that Full Board review is granted, the decision filed on April 15, 2022, is rescinded and the case is referred to the Board Panel for further consideration.

- 6B. MATTER OF NEW YORK STATE OFFICE
CASE #: G273 2897

RESOLVED, that Full Board review is granted, the decision filed on April 15, 2022, is rescinded and the case is referred to the Board Panel for further consideration.

6C. MATTER OF NEW YORK CITY TRANSITY AUTHORITY
CASE #: G237 7588

RESOLVED, that Full Board review is granted, the decision filed on May 26, 2022, is rescinded and the case is referred to the Board Panel for further consideration.

6D. MATTER OF DEPARTMENT OF CORRECTION
CASE #: G256 3540

RESOLVED, that Full Board review is granted, the decision filed on June 3, 2022, is rescinded and the case is referred to the Board Panel for further consideration.

OTHER BUSINESS:

Chairwoman Rodriguez thanked former Board Member Fredrick Ausili for his years of service and welcomed new Board Member Gloribelle Perez.

CONCLUSION:

The Board adjourned.