

STATE OF NEW YORK - WORKERS' COMPENSATION BOARD
OFFICE OF GENERAL COUNSEL
CONFIDENTIAL LEGAL COMMUNICATION

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To: Chair, Vice Chair and Board Members

From: Heather MacMaster, General Counsel

Date: September 1, 2023

Subject: Office of General Counsel Report for September 2023 Board Meeting

Below is a statistical analysis for August 2023 of the workflow of the three divisions of the Office of Issue Resolution, within the Office of General Counsel, responsible for deciding cases. This report summarizes the number of hearings held in the Adjudication Division, the number of reviews handled by the Administrative Review Division, and the number of applications for Full Board Review processed by the Legal Affairs Division.

ADJUDICATION DIVISION

Hearings Held:	16,735 (Attachment A)
Cases Resolved at Hearing:	10,597
Continued w/Findings:	5,654
Continued w/o Findings:	141
Reserve Decisions:	340
Pre-Hearing Conferences:	1,567 (Attachment B)
Controverted Cases Established/ Resolved at PHC:	730
Waiver Agreements Finalized	1,937 (Attachment C)
By Hearing	1,835
By PD-32	42

ADMINISTRATIVE REVIEW DIVISION

ARD Applications Received:	1,135 (Attachment D)
ARD Applications Processed:	903
ARD Applications Pending:	6,054

Note: In August, ARD processed less cases than it received. The inventory increased from 5,822 to 6,054 cases. As of September 1, 2023, 85% of review applications were processed within six months of the application date (Attachment E). The most common issue presented for review in August was Rates/Awards (198 cases). See Attachment F for a summary of review outcomes by primary issue.

LEGAL AFFAIRS DIVISION

FBR Applications Received:	83
FBR Applications Processed:	119
FBR Case Inventory:	158

Note: The Legal Affairs Division processed more applications than it received this past month. The 194 case inventory pending at the end of July is down from the 158 case inventory pending at the end of August.