

Inside Workers Comp NY

Legal decisions, Polls, Commentary and Analysis, News Reports and Bulletins, Questions and Answers about the New York State Workers Compensation Board and system, for attorneys, carriers, employers, claimants, doctors and third party vendors.

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Dear Custom Field 1,

It appears as if the Board has switched places with the New York Mets who started the season with a losing streak and are now on a winning streak; the Board 29-in-a-row winning streak ended in the first week of April and they have just added two more reversals to the seven negative decisions they have had since April 2, 2010. Details below.

As for this week's news, there is a new Doctor at the Board. The Emergency Bulletin was issued regarding medical fees in the Senate is considering COLA for workers comp awards. Back in March of this year, the Board complicated its decision to publish selected Full Board Reviews and Memorandum of Decisions. Well, they did it for some January cases of done nothing since then which prompted me to make a proposal noted in this week's [NEWSWIRE](#).

Unfortunately, with concerns at the Board's management style has a growing resemblance to that of our current Governor, rumors abound as to substantive changes in the Board structure as well as policies and procedures. Unfortunately, there appears to be nowhere to go to get an honest answer, thus contributing to a further deterioration of morale.

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Actually, the two reversals issued by the Court today dealt with carrier's lien pursuant to WCL §29(4) and the board's misinterpretation of "*an act of God*".

In reality, the cases involved two claimants whose husbands were killed in the same small plane accident and received not only workers compensation benefits but also a settlement in separate life insurance policies purchased by both the employer and the owner of the plane. As an interesting side note, both of these cases that appeals heard in 2008 before this very same court and the Board's decisions in these cases were rescinded and sent back for reconsideration.

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