

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,

The Board has a good week with four affirmances.

In this week's [NEWSWIRE](#), the New York State Bar Association joins this website and others in condemning Managed Adjudication Path (MAP) and there is an analysis of all those states looking to 'borrow/steal/assess' the surplus funds in their various state-owned or state-managed workers compensation insurance funds. To date, however, every state that has considered this step to balance its general operating budget has ultimately, for one reason or another, not proceed with plan, as noted in the various news articles posted on this website over the past year or so.

And the Board has yet to announce the appointment of its two newest commissioners, which has caused a lot more hits on this website and a lot of new, and very unexpected readers, based on the e-mails from these new readers asking to be put on our e-mail list.

This week, The Court issues four AFFIRMS. Details below and on the [DECISIONS](#) page.

Michael T. Berns
The Insider
TheInsider@InsideWorkersCompNY.com
Former Commissioner 1996-2008
New York State Workers Compensation Board

DECISIONS

New Court



Decisions

While the issues in the four decisions issued by the Appellate Court yesterday were fairly common, the Board was affirmed in all four cases. Again, in all four cases, the specifics of each case were the determining factors. And in the case of determining an employee and further causally related disability, the Court ceded to the Board's authority to choose between two equally compelling arguments.

The other cases involve §25(4) reimbursement and §25-a true closing.

And as has occurred in every such case this year, a pro se claimant failed to convince the Court to reverse or even reconsider the Board's decision. Next week the Court has agreed to hear oral arguments on all of the four ATF cases on its calendar: below, under Pending Cases, you will find the four cases scheduled. At the Board's FBR in April 2008, the lead case was WCB #0012-4050 (NY Presbyterian Hospital). Details on the [DECISIONS](#) page.

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