

Decided and Entered: June 24, 2010

508413

In the Matter of the Claim of
JORGE MORENO,

Appellant,

v

LUIS LICEA,

Respondent,

and

MEMORANDUM AND ORDER

2180 REALTY CORPORATION et al.,
Respondents,

and

ROCHDALE INSURANCE COMPANY,
Appellant.

WORKERS' COMPENSATION BOARD,
Respondent.

Calendar Date: June 2, 2010

Before: Rose, J.P., Lahtinen, Stein, Garry and Egan Jr., JJ.

Arnold E. DiJoseph, P.C., New York City (Arnold E. DiJoseph III of counsel), for Jorge Moreno, appellant.

Foley, Smit, O'Boyle & Weisman, New York City (David L. Wecker of counsel), for Rochdale Insurance Company, appellant.

Heidell, Pittoni, Murphy & Bach, L.L.P., New York City (Amy L. Fenno of O'Connor Redd, L.L.P., White Plains of counsel), for 2180 Realty Corporation, respondent.

Kim Stuart Swidler, Uninsured Employers' Fund, Albany, for Uninsured Employers' Fund, respondent.

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Egan Jr., J.

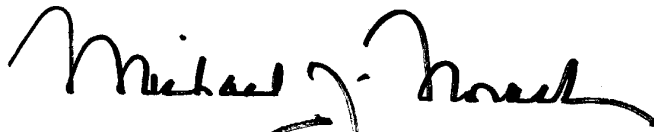
Appeals (1) from a decision of the Workers' Compensation Board, filed April 6, 2009, which, among other things, ruled that an employer-employee relationship existed between claimant and 2180 Realty Corporation, and (2) from a decision of said Board, filed October 16, 2009, which denied claimant's request for reconsideration or full Board review.

The current case arises from the same workplace accident as in Matter of Perez v Licea (___ AD3d ___ [decided herewith]) and involves the identical issues.¹ For the reasons set forth in Perez, along with the fact that in this case Joseph Edelman acknowledges discussing work performance with claimant, we affirm.

Rose, J.P., Lahtinen, Stein and Garry, JJ., concur.

ORDERED that the decisions are affirmed, without costs.

ENTER:



Michael J. Novack
Clerk of the Court

¹ As in Perez, claimant's appeal from the denial of his request for full Board review or reconsideration is deemed abandoned as he did not raise any issues with respect thereto in his brief on appeal (see Matter of Church v Arrow Elec., Inc., 69 AD3d 983, 984 n 3 [2010]).