

1 Workers' Compensation Full Board Meeting Minutes

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3 **Date:** Tuesday, March 19, 2024

4 **Location:** 328 State St., Schenectady, NY
5 Room 324

6 **Time:** Webcast Live
10:00 a.m.

7 **MEMBERS OF THE BOARD**

8 Clarissa M. Rodriguez, Chair

9 Freida Foster, Vice Chair

10 Mark Higgins (Appeared remotely per Public Officers Law
§103-a[2][c])

Loren Lobban, Esq.

11 Samuel Williams

Linda Hull (Appeared remotely per Public Officers Law
§103-a[2][c])

12 Steven A. Crain, Esq.

Mark R. Stasko

Pamela Caggianelli

13 Arelis Tavares

Martin M. Dilan

14 Renee Delgado, Esq.

15 Gloribelle Perez, Esq.

16 **EXECUTIVE DIRECTOR**

17 Steven M. Scotti, Esq.

18 **SECRETARY TO THE BOARD**

19 Laura Inglis

20 **GENERAL COUNSEL**

21 Heather MacMaster, Esq.

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1 CLARISSA RODRIGUEZ: Good morning,
2 everyone, and welcome. Thank you for joining us this
3 morning. I'm Clarissa Rodriguez, Chair of the New
4 York State Workers' Compensation Board. Today's Full
5 Board meeting is being webcast live for members of the
6 public. Welcome again. It is also facilitated by an
7 American Sign Language Interpreter. Thank you for
8 joining us today.

9 I now have the honor of calling the 1,030th
10 meeting of the Full Board to order. Madam Secretary,
11 will you please call attendance?

12 LAURA INGLIS: Vice Chair Foster.

13 FREIDA FOSTER: Here.

14 LAURA INGLIS: Board Member Higgins.

15 UNIDENTIFIED MALE SPEAKER: He's muted.

16 CLARISSA RODRIGUEZ: Oh, yes, he's on, on
17 camera.

18 UNIDENTIFIED MALE SPEAKER: He's here.

19 CLARISSA RODRIGUEZ: He's here, yes, he's
20 present.

21 LAURA INGLIS: Board Member Lobban.

22 LOREN LOBBAN: Here.

23 LAURA INGLIS: Board Member Williams.

24 SAMUEL WILLIAMS: Here.

1 LAURA INGLIS: Board Member Hull.
2 LINDA HULL: Here.
3 LAURA INGLIS: Board Member Crain.
4 STEVEN CRAIN: Here.
5 LAURA INGLIS: Board Member Stasko.
6 MARK STASKO: Here.
7 LAURA INGLIS: Board Member Tavares.
8 ARELIS TAVARES: Here.
9 LAURA INGLIS: Board Member Caggianelli.
10 PAMELA CAGGIANELLI: Here.
11 LAURA INGLIS: Board Member Dilan.
12 MARTIN DILAN: Here.
13 LAURA INGLIS: Board Member Delgado.
14 RENEE DELGADO: Here.
15 LAURA INGLIS: Board Member Perez.
16 GLORIBELLE PEREZ: Here.
17 LAURA INGLIS: And Chair, we have a Full
18 Board.
19 CLARISSA RODRIGUEZ: Thank you, Madam
20 Secretary. Please note that Board Member Higgins and
21 Board Member Hull are joining us remotely pursuant to
22 Public Officers Law Section 103-a. Now moving on to
23 our agenda. Agenda Item 1, approval of the
24 February 13, 2024 meeting minutes. You have all

1 received a copy of the February meeting minutes to
2 review. Are there any questions or need for
3 discussion, Board Members? Is there a motion to
4 approve the Board meeting minutes?

5 LOREN LOBBAN: Motion to approve, Madam
6 Chair.

7 CLARISSA RODRIGUEZ: Okay, thank you, Board
8 Member Lobban. Is there a second?

9 PAMELA CAGGIANELLI: Yes, Madam Chair, this
10 is Board Member Caggianelli, and I second that motion.

11 CLARISSA RODRIGUEZ: Thank you, Board
12 Member Caggianelli. Is there any opposition to the
13 motion? Hearing none, all in, Board Members all in
14 favor, please say aye.

15 ALL: Aye.

16 CLARISSA RODRIGUEZ: All opposed? I am
17 also a yes, that motion is passed. Thank you. Agenda
18 Item 2, Office of General Counsel's Departmental
19 Report. General Counsel, Heather MacMaster, will now
20 present the Office of General Counsel's Departmental
21 Report for February.

22 HEATHER MACMASTER: Thank you, Madam Chair,
23 Madam Vice Chair, Members of the Board. In
24 February 2024 in the Office of General Counsel, the

1 Adjudication Division held 16,887 hearings,
2 10,821 cases were resolved at hearing, 321 Reserve
3 Decisions were issued. There were also 1,740 Waiver
4 Agreements finalized.

5 In the Administrative Review Division, 934
6 applications were received, 898 were processed, and
7 there are currently 6,892 applications pending.

8 In the Legal Affairs Division, excuse me, there
9 were 92 Full Board Review applications received, 88
10 were processed, and there are currently 218 pending.
11 Thank you.

12 CLARISSA RODRIGUEZ: Thank you, Heather.
13 Board Members, are there any questions or need for
14 discussion? Okay, hearing none, may I please have a
15 motion to accept the Office of General Counsel's
16 Departmental Report?

17 MARTIN DILAN: Madam Chair, I move to accept
18 the report as presented. Board Member Dilan.

19 CLARISSA RODRIGUEZ: Thank you, Board
20 Member Dilan, for that. Is there a second?

21 LOREN LOBBAN: Yes, Madam Chair, Board
22 Member Loren Lobban, and I second the motion.

23 CLARISSA RODRIGUEZ: Okay, thank you, Board
24 Member Lobban. Is there any opposition to the motion?

1 All right, hearing none, Board Members all in favor,
2 please say aye.

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: All opposed? Hearing
5 no opposition, I am also a yes, that motion is passed.
6 Thank you, Board Members. Agenda Item 3, there are no
7 Licensing Applications to discuss this month. So
8 moving on to our Legal Appeals. Heather MacMaster
9 will now present the recommendations concerning
10 decisions by the Appellate Division.

11 HEATHER MACMASTER: Thank you, Madam Chair.
12 With respect to items 4A through 4J, it is the Office
13 of General Counsel's recommendation to adopt the
14 decisions of the Court as the decisions of the Board.

15 CLARISSA RODRIGUEZ: Thank you, Heather.
16 Board Members, may I please have a motion to accept
17 the recommendations of the Office of General Counsel?

18 STEVEN CRAIN: I move to accept the
19 recommendation of the General Counsel. This is Board
20 Member Crain.

21 CLARISSA RODRIGUEZ: Thank you, Board
22 Member Crain. Is there a second?

23 SAMUEL WILLIAMS: Board Member Williams, I
24 second that motion.

1 CLARISSA RODRIGUEZ: Thank you, Board
2 Member Williams, for that second. Is there any
3 opposition to the motion? Okay, Board Members,
4 hearing none, all in favor, please say aye.

5 ALL: Aye.

6 CLARISSA RODRIGUEZ: All opposed? Okay,
7 hearing none, I am also a yes, that motion is passed.
8 Thank you. Agenda Item 5, there are no Mandatories to
9 discuss this month, so we'll move on to our
10 Discretionary Full Board Review cases. And I turn
11 this portion of the agenda over to Vice Chair Freida
12 Foster. Good morning.

13 FREIDA FOSTER: Thank you, Madam Chair.
14 Good morning. The cases listed in Item 6 in your
15 agenda, it's been recommended that Full Board Review
16 be granted. Those cases are 6A, Bridgestone Retail
17 Operations; 6B, L&L Painting; 6C, Source New Jersey,
18 Inc.; 6D, EPM Construction, Inc. I move to refer the
19 cases back to the respective Panels for further
20 consideration.

21 CLARISSA RODRIGUEZ: Thank you, Vice Chair
22 Foster. Is there a second, Board Members?

23 PAMELA CAGGIANELLI: Yes, Madam Chair, this
24 is Board Member Caggianelli, and I second that motion.

1 CLARISSA RODRIGUEZ: Okay, thank you, Board
2 Member Caggianelli. Are there any recusals from any
3 of these matters? Okay. Is there any opposition to
4 the motion? Hearing none, all in favor, Board Members
5 all in favor, please say aye.

6 ALL: Aye.

7 CLARISSA RODRIGUEZ: Thank you. All
8 opposed? Hearing no opposition, I am also a yes, that
9 motion is passed. Board Members, is there any other
10 business this morning? Okay, hearing none, may I
11 please have a motion to adjourn today's meeting?

12 LOREN LOBBAN: Madam Chair, I'd like to make
13 a motion to adjourn.

14 CLARISSA RODRIGUEZ: Thank you.

15 MARK STASKO: I second that.

16 CLARISSA RODRIGUEZ: And thank you for that
17 second. That was Board Member Lobban, and second by
18 Board Member Stasko. Is there any opposition to the
19 motion? Okay, hearing none, Board Members all in
20 favor, please say aye.

21 ALL: Aye.

22 CLARISSA RODRIGUEZ: All opposed? I am
23 also a yes, that motion is passed. Meeting adjourned.
24 Thank you, everyone.

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(Whereupon, meeting was adjourned.)