

1 Workers' Compensation Full Board Meeting Minutes

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3 **Date:** Tuesday, December 20, 2022
4 **Location:** 328 State Street, Schenectady, NY
5 Room 329
6 Webex Broadcast

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9 **Time:** 10:00 a.m.

10 **MEMBERS OF THE BOARD**

11 Clarissa M. Rodriguez, Chair
12 Freida Foster, Vice Chair
13 Mark Higgins
14 Loren Lobban, Esq.
15 Samuel G. Williams
16 Linda Hull
17 Fredrick M. Ausili, Esq.
18 Steven A. Crain, Esq.
19 Mark R. Stasko
20 Arelis Tavares
21 Martin M. Dilan
22 Renee Delgado, Esq.

23 **SECRETARY TO THE BOARD**

24 Laura Inglis

ACTING GENERAL COUNSEL

Heather MacMaster, Esq.

Also Present

Eugene Martin, Senior Attorney

1 CLARISSA RODRIGUEZ: Good morning,
2 everyone, and thank you for being here. I'm Clarissa
3 Rodriguez, Chair of the New York State Workers'
4 Compensation Board. Today's meeting is being webcast
5 live for members of the public, so welcome, everyone.

6 I now have the honor of calling the 1,016th
7 meeting of the Full Board to order. Madam Secretary,
8 will you please call attendance?

9 LAURA INGLIS: Vice Chair Foster.

10 FREIDA FOSTER: Here.

11 LAURA INGLIS: Board Member Higgins.

12 MARK HIGGINS: Here.

13 LAURA INGLIS: Board Member Lobban.

14 LOREN LOBBAN: Here.

15 LAURA INGLIS: Board Member Williams.

16 SAMUEL WILLIAMS: Here.

17 LAURA INGLIS: Board Member Hull.

18 LINDA HULL: Here.

19 LAURA INGLIS: Board Member Ausili.

20 FREDRICK AUSILI: Here.

21 LAURA INGLIS: Board Member Crain.

22 STEVEN CRAIN: Here.

23 LAURA INGLIS: Board Member Stasko.

24 MARK STASKO: Here.

1 LAURA INGLIS: Board Member Tavares.
2 ARELIS TAVARES: Here.
3 LAURA INGLIS: Board Member Caggianelli.
4 Board Member Dilan.
5 MARTIN DILAN: Here.
6 LAURA INGLIS: Board Member Delgado.
7 RENEE DELGADO: Here.
8 LAURA INGLIS: Madam Chair, Board Member
9 Caggianelli is, is absent today, and has asked to be
10 excused. We'll have 12 voting members.
11 CLARISSA RODRIGUEZ: Thank you, Madam
12 Secretary. Board Members, may I please have a motion
13 to excuse the absence of Board Member Caggianelli?
14 MARK HIGGINS: Yes, Madam Chair, Board
15 Member Mark Higgins, I move that we excuse the
16 absence.
17 CLARISSA RODRIGUEZ: Thank you, Board
18 Member Higgins. Is there a second?
19 MARTIN DILAN: Yes, Madam Chair. Board
20 Member Martin Dilan, and I second the motion.
21 CLARISSA RODRIGUEZ: Thank you, Board
22 Member Dilan. Is there any opposition to the motion?
23 Hearing none, Board Members all in favor, please say
24 aye?

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ALL: Aye.

CLARISSA RODRIGUEZ: Thank you. All opposed? Hearing none, I am also a yes, that motion is passed. Thank you, Board Members. Agenda Item 1, approval of the November 15, 2022 meeting minutes. Board Members, you have all received a copy of the November meeting minutes for you to review. Are there any questions or need for discussion? Okay, hearing none, may I please have a motion to accept the Board meeting minutes?

MARK HIGGINS: Yes, Madam Chair, Board Member Mark Higgins, I move that we accept the minutes.

CLARISSA RODRIGUEZ: Thank you, Board Member Higgins. Is there a second?

MARTIN DILAN: Madam Chair, I'm Board Member Dilan, and I second the motion.

CLARISSA RODRIGUEZ: Thank you, Board Member Dilan. Is there any opposition to the motion? Okay, hearing none, Board Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: Thank you. All opposed? Hearing no opposition, I am also a yes.

1 That motion is passed. Thank you, Board Members.
2 Agenda Item 2, General Counsel's Departmental Report.
3 Now Acting General Counsel, Heather MacMaster, will
4 present the Statistical and Informational Report for
5 November.

6 HEATHER MACMASTER: Thank you, Madam Chair,
7 Madam Vice Chair, Board Members. In November 2022
8 within the Office of General Counsel, the Adjudication
9 Division held 14,049 hearings, cases resolved at
10 hearing were 9,188, and there were 2,016 Waiver
11 Agreements finalized.

12 The Administrative Review Division received 868
13 applications, there were 805 applications processed,
14 and there are currently 4,868 applications pending.
15 Excuse me. And in Legal Affairs Division, 132 Full
16 Board Applications were received, 128 were processed,
17 and there are currently 207 left. Thank you.

18 CLARISSA RODRIGUEZ: Thank you. Thank you,
19 Heather. Board Members, are there any questions or
20 need for discussion? Okay, hearing none, may I please
21 have a motion to accept the Office of General
22 Counsel's Departmental Report?

23 MARK HIGGINS: Yes, Madam Chair, I move that
24 we accept the report of the General Counsel.

1 CLARISSA RODRIGUEZ: Thank you, Board
2 Member Higgins. Is there a second?

3 MARTIN DILAN: Madam Chair, Board Member
4 Dilan, and I second the motion.

5 CLARISSA RODRIGUEZ: Thank you, Board
6 Member Dilan. Is there any opposition to the motion?
7 Okay, hearing none, Board Members all in favor, please
8 say aye.

9 ALL: Aye.

10 CLARISSA RODRIGUEZ: All opposed? Hearing
11 none, I am also a yes. That motion is passed. Thank
12 you. Agenda Item 3, License Applications. Senior
13 Attorney of the Office of General Counsel, Eugene
14 Martin, will now present any Licensing Applications.

15 EUGENE MARTIN: Morning, Chair Rodriguez,
16 Vice Chair Foster, Board Members, and Colleagues. You
17 have before you the recommendations from the Assigned
18 Board Panel regarding the Licensing Applications
19 listed in Part 3 of today's agenda. Under Section
20 24-a, Mark Burman, three-year renewal; and Coleen
21 Collins, three-year renewal. Under Section 50(3-b),
22 FCS Administrators, Incorporated, three-year renewal,
23 and approval of new qualifying officer, Matthew Mead,
24 Esq.; Chesterfield Services, Incorporated, three-year

1 renewal, and approval of new qualifying officer, David
2 Goldsmith, Esq.; Metropolitan Life Insurance Company,
3 three-year renewal; American Family Life Assurance
4 Company of New York, three-year renewal. Under
5 Section 50(3-d), Cervas Claims Solutions, LLC,
6 three-year renewal, and approval of new qualifying
7 officer, Maria Kokiasmenos, Esq. for both service and
8 its parent company, The Hartford. I present these
9 recommendations to the Board for approval.

10 CLARISSA RODRIGUEZ: Thank you, Eugene.
11 Board Members, are there any questions or need for
12 discussion? Okay, hearing none, may I please have a
13 motion to accept the Licensing Applications?

14 MARK HIGGINS: Yes, Madam Chair, Board
15 Member Mark Higgins, I move to accept the
16 recommendations of the Licensing Office.

17 CLARISSA RODRIGUEZ: Thank you, Board
18 Members Higgins. Is there a second?

19 MARTIN DILAN: Madam Chair, Board Member
20 Dilan, and I second the motion.

21 CLARISSA RODRIGUEZ: Thank you, Board
22 Member Dilan. Board Members, is there any opposition
23 to the motion? Okay, hearing none, Board Members all
24 in favor, please say aye.

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ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Hearing none, I am also a yes. That motion is passed. Thank you. Agenda Item 4, Legal Appeals. Heather MacMaster will now present the recommendations concerning decisions by the Appellate Division.

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

CLARISSA RODRIGUEZ: Thank you. Board Members, are there any questions or need for discussion? Hearing none, may I please have a motion to accept the recommendations of the Office of General Counsel?

MARK HIGGINS: Yes, Madam Chair, Board Member Mark Higgins, I move to accept the recommendations of Office of General Counsel.

CLARISSA RODRIGUEZ: Thank you, Board Member Higgins. Is there a second?

MARTIN DILAN: Board Member Dilan, and I second the motion.

CLARISSA RODRIGUEZ: Thank you, Board Member Dilan. Is there any opposition to the motion?

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

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: All opposed? Hearing
5 no opposition, I am also a yes. That motion is
6 passed. Thank you. Agenda Item 5, Mandatory Full
7 Board Review. We have only one item on the agenda
8 today, and that's the matter of 5A, MTA Bus Company,
9 case number G1937948. Is there a motion with respect
10 to 5A on the agenda?

11 ARELIS TAVARES: Yes, Madam Chair, this is
12 Board Member Arelis Tavares, I move that the Board
13 Panel's unanimous decision be adopted as the decision
14 of the Full Board.

15 CLARISSA RODRIGUEZ: Thank you, Board Member
16 Tavares. Is there a second?

17 SAMUEL WILLIAMS: Yes, Madam Chair, this is
18 Board Member Sam Williams, I second that motion.

19 CLARISSA RODRIGUEZ: Thank you, Board
20 Member Williams. Are there any recusals from this
21 matter? Is there any opposition to the motion?
22 Hearing no opposition, Board Members all in favor,
23 please say aye.

24 ALL: Aye.

1 CLARISSA RODRIGUEZ: All opposed? Hearing
2 none, I am also a yes. That motion is passed. Thank
3 you. Agenda Item 6, Discretionary Full Board Review.
4 I now turn this portion of the agenda over to Vice
5 Chair Foster.

6 FREIDA FOSTER: Thank you, Madam Chair. For
7 the cases listed in Item 6 on your agenda, it's been
8 recommended that Full Board Review be granted. And
9 those cases are: 6A, Matter of Woodstock Board of
10 Fire Commissioners; and 6B, Matter of DOCCS Queensboro
11 Correctional Facility. I move to refer the cases back
12 to the respective Panels for further consideration.

13 CLARISSA RODRIGUEZ: Thank you, Madam Vice
14 Chair. Is there a second?

15 MARTIN DILAN: Board Member Dilan, and I
16 second the motion.

17 CLARISSA RODRIGUEZ: Thank you, Board
18 Member Dilan. Are there any recusals from these
19 matters? Is there any opposition to the motion?
20 Okay, hearing none, Board Members all in favor, please
21 say aye.

22 ALL: Aye.

23 CLARISSA RODRIGUEZ: Thank you. All
24 opposed? Hearing no opposition, I am also a yes.

1 That motion passes. Thank you. Agenda Item 7, is
2 there any other business today, Board Members? Okay,
3 hearing none, may I please have a motion to adjourn
4 the meeting?

5 MARK HIGGINS: Yes, Madam Chair, this is
6 Board Member Mark Higgins, I move for adjournment.

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

9 MARTIN DILAN: Madam Chair, Board Member
10 Dilan, and I second the motion.

11 CLARISSA RODRIGUEZ: Thank you, Board
12 Member Dilan. Board Members all in favor, please say
13 aye?

14 ALL: Aye.

15 CLARISSA RODRIGUEZ: All opposed? I am
16 also a yes. Meeting adjourned. Thank you, Board
17 Members. Have a great holiday, everyone.

18 ALL: You too.

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20 (Whereupon, the meeting was adjourned.)

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