State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: November 5, 2026 CV-25-0377

In the Matter of the Claim of AMIR RAISSI,
Appellant,
v

ENTERTAINMENT PARTNERS et al., Respondents.

MEMORANDUM AND ORDER

WORKERS' COMPENSATION BOARD,
Respondent.

Calendar Date: October 15, 2026

Before: Clark, J.P., Reynolds Fitzgerald, McShan, Mackey and Ryba, JJ.

Amir Raissi, New York City, appellant pro se.

Jones Jones LLC, New York City (*Stacee Vaikness* of counsel), for Entertainment Partners and another, respondents.

McShan, J.

Appeal from a decision of the Workers' Compensation Board, filed January 22, 2025, which denied claimant's application for reconsideration and/or full Board review.

In 2007, claimant filed a claim for workers' compensation benefits alleging that he sustained work-related injuries while working as a dancer/actor. The claim was established for a right ankle injury and ultimately resulted in a 20% schedule loss of use

award (right foot). In March 2021, claimant sought reopening, alleging that he had additional conditions involving the knee and back. Following an independent medical examination, the workers' compensation carrier's consultant diagnosed claimant with a right ankle sprain/strain and opined that no further causally related orthopedic treatment was necessary. Following submission of numerous medical records and medical treatment relating to alleged consequential injuries, a Workers' Compensation Law Judge disallowed the request to amend the claim to include consequential injuries. Upon administrative review, the Workers' Compensation Board, in an October 2024 panel decision, affirmed disallowance of the claim for consequential injuries. The Board rejected the medical opinion on causation that was reached by claimant's physician. Claimant's subsequent application for reconsideration and/or full Board review was denied by the Board in a January 2025 decision. Claimant appeals from the January 2025 decision.[1]

We affirm. Inasmuch as claimant has appealed only from the Board's January 2025 decision denying his application for reconsideration and/or full Board review, the merits of the Board's October 2024 decision are not properly before us (*see Matter of Sheodial v Universal Constr. Resources Inc.*, 246 AD3d 1214, 1215 [3d Dept 2026]; *Matter of Lopez v Platoon Constr., Inc.*, 212 AD3d 953, 954 [3d Dept 2023]). Rather, "our inquiry is limited to whether the Board's denial of claimant's application was arbitrary and capricious or otherwise constituted an abuse of discretion" (*Matter of Wagner v Bobley Publ. Corp.*, 245 AD3d 1048, 1050 [3d Dept 2026]; *see Matter of Campos v Federal Express Corp.*, 181 AD3d 1118, 1119 [3d Dept 2020]).

"In order to obtain review or reconsideration, claimant must demonstrate that newly discovered evidence exists, that there has been a material change in condition, or that the Board improperly failed to consider the issues raised in the application for review in making its initial determination" (*Matter of Langworthy v C. McKenna Prop. Mgt. LLC*, 252 AD3d 1001, 1001-1002 [3d Dept 2026] [internal quotation marks and citations omitted]). The record reflects that the Board considered the issues raised by claimant, including whether the alleged consequential injuries were causally related, in its October 2024 decision and, inasmuch as claimant did not produce any newly discovered evidence or assert a change in his condition, we cannot say that denial of his application for reconsideration and/or full Board review was arbitrary and capricious or an abuse of

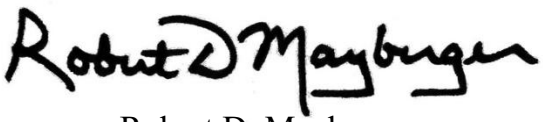
[1] Although the notice of appeal references an incorrect date of filing of the Board's decision, we exercise our discretion to disregard this error (*see* CPLR 5520 [c]; *Matter of Cortez v Royal Stone Cabinet & Tile Inc.*, 247 AD3d 1394, 1395 n [3d Dept 2026]).

discretion (*see Matter of Sheodial v Universal Constr. Resources Inc.*, 246 AD3d at 1215; *Matter of Pinson v North Gate Health Care Facility*, 244 AD3d 1691, 1692 [3d Dept 2025]). Claimant's remaining contentions, including his request for this Court to direct settlement of the claim, are either not properly before us or have been considered and found to be lacking in merit.

Clark, J.P., Reynolds Fitzgerald, Mackey and Ryba, JJ., concur.

ORDERED that the decision is affirmed, without costs.

ENTER:



Robert D. Mayberger
Clerk of the Court