

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Workers' Compensation Full Board Meeting Minutes

Date: Tuesday, February 13, 2024
Location: 328 State Street, Schenectady, NY
Room 324
Webcast Live

Time: 10:00 a.m.

MEMBERS OF THE BOARD

Clarissa M. Rodriguez, Chair
Freida Foster, Vice Chair
Mark Higgins (appeared remotely per Public Officers Law §
103-a[2][c])
Loren Lobban, Esq.
Samuel Williams
Linda Hull
Mark Stasko
Steven A. Crain, Esq.
Pamela Caggianelli
Martin M. Dilan
Arelis Tavares (excused)
Renee Delgado, Esq.
Gloribelle Perez, Esq.

SECRETARY TO THE BOARD

Laura Inglis

EXECUTIVE DIRECTOR

Steven M. Scotti, Esq.

GENERAL COUNSEL

Heather MacMaster, Esq.

OFFICE OF GENERAL COUNSEL

Tracy Fitzgerald

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CLARISSA RODRIGUEZ: Good morning, everyone.
ALL: Good morning.

CLARISSA RODRIGUEZ: Thank you for joining us today. I am Clarissa Rodriguez, Chair of the New York State Workers' Compensation Board. Today's Full Board meeting is being webcast live for members of the public. Welcome. And it is also being facilitated by ASL, American Sign Language interpreters. So welcome, interpreters. Thank you for being here.

I now have the honor of calling the 1,029th meeting of the Full Board to order. Madam Secretary, will you please call attendance?

LAURA INGLIS: Vice Chair Foster.

FREIDA FOSTER: Here.

LAURA INGLIS: Board Member Higgins.

MARK HIGGINS: Here.

LAURA INGLIS: Board Member Lobban.

LOREN LOBBAN: Here.

LAURA INGLIS: Board Member Williams.

SAMUEL WILLIAMS: Here.

LAURA INGLIS: Board Member Hull.

LINDA HULL: Here.

LAURA INGLIS: Board Member Crain.

1 STEVEN CRAIN: Here.

2 LAURA INGLIS: Board Member Stasko.

3 MARK STASKO: Here.

4 LAURA INGLIS: Board Member Caggianelli.

5 PAMELA CAGGIANELLI: Here.

6 LAURA INGLIS: Board Member Dilan.

7 MARTIN DILAN: Here.

8 LAURA INGLIS: Board Member Delgado.

9 RENEE DELGADO: Here.

10 LAURA INGLIS: Board Member Perez.

11 GLORIBELLE PEREZ: Here.

12 LAURA INGLIS: And Board -- and, Madam
13 Chair.

14 CLARISSA RODRIGUEZ: Yes. Please note that
15 Board Member Higgins is joining us remotely and Board
16 Member Tavares has been excused due -- due to the
17 weather. Thank you. And thank you, Madam Secretary.

18 Agenda Item 1, approval of the January 23rd, 2024
19 meeting minutes. Board Members, you have all received
20 a copy of the January 2024 meeting minutes for your
21 review. Are there any questions or need for a
22 discussion? Okay. Seeing and hearing none, may I
23 please have a motion to accept the Board meeting
24 minutes?

1 SAMUEL WILLIAMS: Madam Chair, Board Member
2 Williams. I move that we accept the minutes as
3 presented.

4 CLARISSA RODRIGUEZ: Okay. Thank you, Board
5 Member Williams. Is there a second?

6 LINDA HULL: This is Board --

7 UNIDENTIFIED SPEAKER: Yes.

8 LINDA HULL: -- Member Hull. I second that
9 motion.

10 CLARISSA RODRIGUEZ: Thank you, Board Member
11 Hull. Is there any opposition? Okay. Hearing no
12 opposition, Board Members all in favor, please say
13 aye.

14 ALL: Aye.

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

22 HEATHER MACMASTER: Good morning, Madam
23 Chair, Madam Vice Chair, members of the Board. In
24 January of 2024 in the Office of General Counsel, the

1 Adjudication Division held 18,124 hearings and
2 resolved 11,497 cases at hearing and issued 377
3 Reserve Decisions. The Adjudication Division also
4 finalized 1,749 Waiver Agreements.

5 In the Administrative Review Division, 1,052
6 applications were received, 1,889 decisions were
7 processed and there are currently 6,856 decision -- I
8 mean, applications pending. In Legal Affairs
9 Division, in the Legal Affairs Division, 113 Full
10 Board Review applications were received, 105 were
11 processed and there are currently 223 applications
12 pending. Thank you.

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

18 STEVEN CRAIN: Move to accept the report.
19 Board Member Crain.

20 CLARISSA RODRIGUEZ: Thank you.

21 LINDA HULL: Board Member Hull seconds it.

22 CLARISSA RODRIGUEZ: Thank you, Board Member
23 Crain. Thank you, Board Member Hull. Is there any
24 opposition to the motion? Hearing none, Board Members

1 all in favor, please say aye.

2 ALL: Aye.

3 CLARISSA RODRIGUEZ: All opposed? I am also
4 a yes. That motion is passed. Thank you. Agenda
5 Item 3, License Applications. Tracy Fitzgerald from
6 the Office of General Counsel will now present
7 Licensing Applications. Thank you.

8 TRACY FITZGERALD: Good morning, Chair
9 Rodriguez and Vice Chair Foster.

10 CLARISSA RODRIGUEZ: Good morning.

11 TRACY FITZGERALD: Board Members and
12 colleagues. You have before you the recommendations
13 from the Assigned Board Panel regarding the Licensing
14 Applications listed in Part 3 of today's agenda.
15 Under Section 24-a there are none.

16 Under Section 50(3-b), SAFE, LLC, qualifying
17 officer Christopher Whyland, Esquire, three years;
18 Section 50(3-d), C.M.G. Agency, Inc., qualifying
19 officer, Alyssa Snyder, Esquire, three years; CNA
20 Claim Plus, Inc., Section 50(3-d), new qualifying
21 officer, Lisa Shreiber, Esquire, three years; Zenith
22 Insurance Company, Section 50(3-d), qualifying
23 officer, Cory DeCresenza, Esquire, three years; and
24 Applied Risk Services of New York, Inc., Section

1 50(3-d), qualifying officer, William Jones, Esquire,
2 three years. I present these recommendations to the
3 Board for your consideration. Thank you.

4 CLARISSA RODRIGUEZ: Thank you. Board
5 Members, are there any questions or need for
6 discussion? Okay. Hearing none, may I please have a
7 motion to accept the recommendations of the Panels as
8 presented?

9 PAMELA CAGGIANELLI: Board Mem -- this is
10 Board Member Pam Caggianelli, and I move that we
11 accept the Licensing Applications.

12 CLARISSA RODRIGUEZ: Thank you, Board Member
13 Cag --

14 MARTIN DILAN: I'll second the motion, Board
15 Member Dilan.

16 CLARISSA RODRIGUEZ: Okay. And thank you
17 for that second, Board Member Dilan. Is there any
18 opposition to the motion? Okay. Hearing none, Board
19 Members all in favor, please say aye.

20 ALL: Aye.

21 CLARISSA RODRIGUEZ: All opposed? Okay.
22 Hearing no opposition, I am also a yes. That motion
23 is passed. Agenda Item 4, Legal Appeals.
24 Heather MacMaster will now present the recommendations

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

concerning decisions by the Appellate Division.

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

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

MARK STASKO: Yes, Madam Chair. This is Board Member Stasko, and I recommend we accept the --

CLARISSA RODRIGUEZ: Recommendations.

MARK STASKO: -- recommendations.

CLARISSA RODRIGUEZ: Okay.

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

CLARISSA RODRIGUEZ: Okay. Thank you, Board Member Stasko and Board Member Williams, for that second. Is there any opposition to the motion? Okay. Hearing no opposition, Board Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Hearing no opposition, I am also a yes. That motion is

1 passed. Thank you. Agenda Item 5, Mandatory Full
2 Board Review. We start with our only case this month
3 is 5A, the Stop & Shop Supermarket Company, LLC, Case
4 Number G2861526. Board Members, is there a motion
5 with respect to 5A?

6 GLORIBELLE PEREZ: Yes, Madam Chair. Board
7 Member Perez moves.

8 CLARISSA RODRIGUEZ: Okay. Thank you. And
9 the motion is to accept the majority opinion?

10 GLORIBELLE PEREZ: Correct.

11 CLARISSA RODRIGUEZ: Okay. Thank you.

12 STEVEN CRAIN: I second the motion. Board
13 Member Crain.

14 CLARISSA RODRIGUEZ: Okay. Thank you, Board
15 Member Crain for that second as well. Are there any
16 recusals from this matter? Okay. Is there any
17 opposition to the motion?

18 LINDA HULL: Yes, there is.

19 CLARISSA RODRIGUEZ: Yes. Thank you, Board
20 Member Hull. Madam Secretary, in light of the
21 opposition, I call for a roll call vote.

22 LAURA INGLIS: Board Member Caggianelli.

23 PAMELA CAGGIANELLI: No.

24 LAURA INGLIS: Board Member Crain.

1 STEVEN CRAIN: Yes.
2 LAURA INGLIS: Board Member Delgado.
3 RENEE DELGADO: Yes.
4 LAURA INGLIS: Board Member Dilan.
5 MARTIN DILAN: Yes.
6 LAURA INGLIS: Board Member Higgins.
7 MARK HIGGINS: No.
8 LAURA INGLIS: Board Member Hull.
9 LINDA HULL: No.
10 LAURA INGLIS: Board Member Lobban.
11 LOREN LOBBAN: Yes.
12 LAURA INGLIS: Board Member Perez.
13 GLORIBELLE PEREZ: Yes.
14 LAURA INGLIS: Board Member Stasko.
15 MARK STASKO: No.
16 LAURA INGLIS: Board Member Williams.
17 SAMUEL WILLIAMS: Yes.
18 LAURA INGLIS: Vice Chair Foster.
19 FREIDA FOSTER: Yes.
20 LAURA INGLIS: And Madam Chair.
21 CLARISSA RODRIGUEZ: Yes.
22 LAURA INGLIS: That is -- passes 8/4.
23 CLARISSA RODRIGUEZ: Okay. Thank you, Board
24 Members. Agenda Item 6, Discretionary Full Board

1 Review. I now turn this portion of the agenda over to
2 Vice Chair Freida Foster. Good morning.

3 FREIDA FOSTER: Thank you, Madam Chair.
4 Good morning. For the case listed in Item 6 of your
5 agenda, it's been recommended that Full Board Review
6 be granted. That case is Kind Hearts Caring Angels.
7 I move to refer the case back to the respective Panel
8 for further consideration.

9 CLARISSA RODRIGUEZ: Thank you, Vice Chair
10 Foster. Is there a second?

11 PAMELA CAGGIANELLI: Yes, Madam Chair. This
12 is Board Member Caggianelli, and I second that motion.

13 CLARISSA RODRIGUEZ: Thank you, Board Member
14 Caggianelli. Are there any recusals from this matter?
15 Is there any opposition to the motion? Okay. Hearing
16 no opposition, Board Members all in favor, please say
17 aye.

18 ALL: Aye.

19 CLARISSA RODRIGUEZ: All -- all opposed?
20 Okay. Hearing no opposition, I am also a yes. That
21 motion is passed. Thank you, Board Members. Board
22 Members, is there any other business? Okay. Hearing
23 none, may I please have a motion to adjourn today's
24 meeting?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNIDENTIFIED SPEAKER: I make a motion to adjourn.

UNIDENTIFIED SPEAKER: Second --

UNIDENTIFIED SPEAKER: And I'll second that, Madam Chair.

CLARISSA RODRIGUEZ: Okay. Thank you. Several seconds there. Thank you, Board Member Dilan --

UNIDENTIFIED SPEAKER: Very good.

CLARISSA RODRIGUEZ: -- and Board Members. Is there any opposition to the motion? Okay. Hearing no opposition, Board Members all in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? I am also a yes. That motion is passed. Meeting adjourned. Thank you, everyone. Safe travels back home.

WHEREUPON THE MEETING WAS ADJOURNED.