

1 Workers' Compensation Full Board Meeting Minutes

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3 **Date:** Tuesday, July 18, 2023

4 **Location:** 328 State Street, Schenectady, NY
Room 329

5 **Time:** Webex Broadcast
6 10:00 a.m.

7 **MEMBERS OF THE BOARD**

8 Clarissa M. Rodriguez, Chair

9 Freida Foster, Vice Chair

10 Mark Higgins

11 Loren Lobban, Esq.

12 Samuel Williams

13 Linda Hull

14 Steven A. Crain, Esq.

15 Mark R. Stasko

16 Pamela Caggianelli

17 Arelis Tavares

18 Martin M. Dilan

19 Renee Delgado, Esq.

20 Gloribelle Perez, Esq.

21 **EXECUTIVE DIRECTOR**

22 Steven M. Scotti, Esq.

23 **SECRETARY TO THE BOARD**

24 Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

OFFICE OF GENERAL COUNSEL

Eugene Martin, Senior Attorney

1 CLARISSA RODRIGUEZ: Good morning,
2 everyone.

3 ALL: Morning.

4 CLARISSA RODRIGUEZ: I'm Clarissa
5 Rodriguez, Chair of the New York State Workers'
6 Compensation Board. Thank you for attending today,
7 for joining us. Today's meeting is being webcast live
8 for members of the public. So welcome. And it is
9 also being interpreted by an ASL interpreter. Thank
10 you for being here. I now have the honor of calling
11 the 1,023rd meeting of the Full Board to order. Madam
12 Secretary, will you please call attendance?

13 LAURA INGLIS: Yes. Vice Chair Foster.

14 FREIDA FOSTER: Here.

15 LAURA INGLIS: Board Member Higgins.

16 MARK HIGGINS: Here.

17 LAURA INGLIS: Board Member Lobban.

18 LOREN LOBBAN: Here.

19 LAURA INGLIS: Board Member Williams.

20 SAMUEL WILLIAMS: Here.

21 LAURA INGLIS: Board Member Hull.

22 LINDA HULL: Here.

23 LAURA INGLIS: Board Member Crain.

24 STEVEN CRAIN: Here.

1 LAURA INGLIS: Board Member Stasko.
2 MARK STASKO: Here.
3 LAURA INGLIS: Board Member Tavares.
4 ARELIS TAVARES: Here.
5 LAURA INGLIS: Board Member Caggianelli.
6 PAMELA CAGGIANELLI: Here.
7 LAURA INGLIS: Board Member Dilan.
8 MARTIN DILAN: Here.
9 LAURA INGLIS: Board Member Delgado.
10 RENEE DELGADO: Here.
11 LAURA INGLIS: And Board Member Perez.
12 GLORIBELLE PEREZ: Here.
13 LAURA INGLIS: We have a Full Board today.
14 CLARISSA RODRIGUEZ: Thank you, Madam
15 Secretary. Agenda Item 1, approval of the June 13,
16 2023 meeting minutes. Board Members, you've all
17 received a copy of the June 2023 meeting minutes for
18 your review. Are there any questions or need for
19 discussion? Okay, hearing none, Board Members, may I
20 please have a motion to accept the Board meeting
21 minutes for June?
22 RENEE DELGADO: Yes, Board Member Delgado, I
23 make a motion to approve the June 13, 2023 Board
24 meeting minutes.

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

3 PAMELA CAGGIANELLI: Yes, Madam Chair, this
4 is Board Member Pamela Caggianelli, and I second that
5 motion.

6 CLARISSA RODRIGUEZ: Thank you, Board
7 Member Caggianelli. Are there any objections to the
8 motion? Okay, hearing none, Board Members all in
9 favor, please say aye.

10 ALL: Aye.

11 CLARISSA RODRIGUEZ: All opposed? Okay,
12 hearing none, I am also a yes, that motion is passed.
13 Thank you, Board Members. Agenda Item 2, Office of
14 General Counsel's Departmental Report. General
15 Counsel, Heather MacMaster, will now present the
16 Statistical and Informational Report for the month of
17 June. Welcome, Heather.

18 HEATHER MACMASTER: Good morning, Chair,
19 good morning, Madam Chair, Vice Chair, and Board
20 Members. In June 2023 in the Office of General
21 Counsel, the Adjudication Division held 17,234
22 hearings. Cases were resolved at 11,235 of these
23 hearings. And the Adjudication Division issued 352
24 Reserve Decisions.

1 The Adjudication Division also finalized 1,977
2 Waiver Agreements. In the Administrative Review
3 Division, 1,167 applications were received, 862 were
4 processed, and there are currently 5,590 pending.

5 In Legal Affairs Division there were 137 Full
6 Board Review applications received, 99 were processed,
7 and there are currently 234 pending. Thank you.

8 CLARISSA RODRIGUEZ: Okay, thank you,
9 Heather. Board Members, are there any questions or
10 need for discussion? Okay, hearing none, may I please
11 have a motion to accept Heather's Departmental Report?

12 RENEE DELGADO: Yes, Board Member Delgado, I
13 make a motion to accept the Office of General
14 Counsel's Departmental Report.

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

17 PAMELA CAGGIANELLI: Yes, Madam Chair, this
18 is Board Member Pamela Caggianelli, and I second that
19 motion.

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

24 ALL: Aye.

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CLARISSA RODRIGUEZ: All opposed? Okay, I am also a yes, that motion is passed. Thank you.

Agenda Item 3, License Applications. Senior Attorney, Eugene Martin, will now present the Licensing Applications for the month of June.

EUGENE MARTIN: Good morning, Chair Rodriguez, Vice Chair Foster, Board Members, and Colleagues. You have before you the recommendations from the Assigned Board Panel regarding the Licensing Applications listed in Part 3 of today's agenda.

Under Section 24-a, Judith Ramos Meier, three years; Theresa Baerga, three years.

Under Section 50(3-b), Omni Underwriting Managers, LLC, doing business as FutureComp, qualifying officer, Daniel Conley, three years; GCG Risk Management, Incorporated, qualifying officer, Amy Levitt, Esquire, three years; NCA Comp, Incorporated, qualifying officer, Kevin Gregory, three years; Oryx Insurance Brokerage, Incorporated, qualifying officer, Christopher Whyland, Esquire, three years; St. Lawrence-Lewis BOCES, qualifying officer, Daniel Falge, Esquire, three years.

Under Section 50(3-d), Sedgwick Claims Management Services, Incorporated, qualifying officer, Matthew

1 Mead, Esquire, three years; UPMC Benefit Management
2 Services, Incorporated, qualifying officer,
3 Christopher Whyland, Esquire, two years.

4 I present these recommendations to the Board for
5 your consideration.

6 CLARISSA RODRIGUEZ: Okay, thank you so
7 much, Eugene. Board Members, are there any questions
8 or need for discussion? Okay, hearing none, is there
9 any opposition? I'm sorry, may I please have a motion
10 to accept the report of the, of the Office of General
11 Counsel's Licensing Applications?

12 RENEE DELGADO: Yes, Board Member Delgado, I
13 make a motion to accept the recommended Licensing
14 Applications.

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

17 PAMELA CAGGIANELLI: Yes, Madam Chair, this
18 is Board Member Pamela Caggianelli, and I second that
19 motion.

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

24 ALL: Aye.

1 CLARISSA RODRIGUEZ: All opposed? Okay, I
2 am also a yes, that motion is passed. Thank you,
3 Board Members.

4 Agenda Item 4, Legal Appeals. Heather MacMaster
5 will now present the recommendations concerning
6 decisions by the Appellate Division.

7 HEATHER MACMASTER: Thank you, Madam Chair.
8 With respect to Items 4A and B, it is the Office of
9 General Counsel's recommendation to adopt the
10 decisions of the Court as the decisions of the Board.

11 CLARISSA RODRIGUEZ: Okay. Thank you,
12 thank you, Heather. Board Members, may I please have
13 a motion to accept the recommendations of the Office
14 of General Counsel?

15 RENEE DELGADO: Yes, Board Member Delgado, I
16 make a motion to accept the recommendation of the
17 Office of General Counsel regarding the licensing --
18 Legal Appeals.

19 CLARISSA RODRIGUEZ: Okay, thank you, Board
20 Member Delgado. Is there a second?

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

24 CLARISSA RODRIGUEZ: Thank you, Board

1 Member Caggianelli. Is there any opposition to the
2 motion? Okay, hearing none, Board Members all in
3 favor, please say aye.

4 ALL: Aye.

5 CLARISSA RODRIGUEZ: All opposed? Okay, I
6 am also a yes, that motion is passed. Thank you.

7 Agenda Item 5, Mandatory Full Board Review. We
8 have case 5A, NYC DEP, case number G3223565. Is there
9 a motion with respect to 5A on the agenda?

10 SAMUEL WILLIAMS: Yes, Madam Chair, this is
11 Board Member Sam Williams, I move that the majority
12 opinion be adopted as the opinion of the Full Board.

13 CLARISSA RODRIGUEZ: Thank you, Board
14 Member Williams. Is there a second?

15 LOREN LOBBAN: Yes, Madam Chair, this is
16 Board Member Loren Lobban, and I second the motion.

17 CLARISSA RODRIGUEZ: Okay, thank you. Are
18 there any recusals from this matter? Hearing none, is
19 there any opposition to the motion?

20 LINDA HULL: Yes, this is Board Member Hull,
21 there is opposition.

22 CLARISSA RODRIGUEZ: Okay. In light of the
23 opposition, I call upon the Secretary for a roll call
24 vote.

1 LAURA INGLIS: Board Member Caggianelli.
2 PAMELA CAGGIANELLI: No.
3 LAURA INGLIS: Board Member Crain.
4 STEVEN CRAIN: Yes.
5 LAURA INGLIS: Board Member Delgado.
6 RENEE DELGADO: Yes.
7 LAURA INGLIS: Board Member Dilan.
8 MARTIN DILAN: Yes.
9 LAURA INGLIS: Board Member Higgins.
10 MARK HIGGINS: Yes.
11 LAURA INGLIS: Board Member Hull.
12 LINDA HULL: No.
13 LAURA INGLIS: Board Member Lobban.
14 LOREN LOBBAN: Yes.
15 LAURA INGLIS: Board Member Perez.
16 GLORIBELLE PEREZ: Yes.
17 LAURA INGLIS: Board Member Stasko.
18 MARK STASKO: No.
19 LAURA INGLIS: Board Member Tavares.
20 ARELIS TAVARES: Yes.
21 LAURA INGLIS: Board Member Williams.
22 SAMUEL WILLIAMS: Yes.
23 LAURA INGLIS: Vice Chair Foster.
24 FREIDA FOSTER: Yes.

1 LAURA INGLIS: And Chair Rodriguez.
2 CLARISSA RODRIGUEZ: Yes.
3 LAURA INGLIS: This passed --
4 CLARISSA RODRIGUEZ: Okay, passes 10 to 3.
5 Thank you. Agenda Item 6, Discretionary Full Board
6 Review. I now turn this portion of the agenda over to
7 Vice Chair Frieda Foster.
8 FREIDA FOSTER: Thank you, Madam Chair. For
9 the cases listed in Item 6 on your agenda, it's been
10 recommended that Full Board Review be granted. Those
11 cases are 6A, Matter of Fordham University; 6B, Matter
12 of New York State Office; 6C, New York City Transit
13 Authority; and 6D, Department of Correction. I move
14 to move the cases back to their respective Panels for
15 further consideration.
16 CLARISSA RODRIGUEZ: Okay, thank you.
17 Board Members, is there a second?
18 PAMELA CAGGIANELLI: Yes, Madam Chair, this
19 is Board Member Pamela Caggianelli, and I second that
20 motion.
21 CLARISSA RODRIGUEZ: Okay, thank you. Are
22 there any recusals from any of these matters? Okay,
23 is there any opposition to the motion? Okay, hearing
24 none, Board Members all in favor, please say aye.

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ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Okay, I am also a yes, that motion is passed. Thank you.

Agenda Item 7, Board Members, is there any other business? Okay, well before we adjourn, I would like to acknowledge that Board Member Fredrick Ausili is no longer serving on the Board. Mr. Ausili will be missed, and we thank him for his many years of dedicated service to the Board.

Mr. Ausili will actually be replaced by Board Member Gloribelle Perez, who is joining us here today, who is appointed to the Board and confirmed by the Senate last month. Mrs. Perez is a triple barred attorney with the distinguished legal career marked by a steadfast commitment to public service. Mrs. Perez worked as a commercial litigation associate at a Manhattan law firm before serving as a court attorney in the New York County Surrogate's Court.

More recently, Mrs. Perez served as an Administrative Law Judge at the New York State Industrial Board of Appeals. In that role, her responsibilities included presiding over hearings and drafting decisions concerning the reasonableness of rules, regulations and orders issued by the New York

1 State Commission, Commissioner of Labor concerning
2 various wage provisions of the New York State Labor
3 Law.

4 Through her involvement with various bar
5 associations Mrs. Perez has organized "Know Your
6 Rights" events, Continuing Legal Education programs,
7 and volunteer opportunities, all aimed at increasing
8 access to justice for individuals. Ms. Perez holds a
9 B.A. in Economics from Barnard College, Columbia
10 University, and a J.D. from Pace Law School.

11 We welcome Mrs. Perez to the Board, and look
12 forward to working with her. Thank you, Mrs. Perez.
13 Welcome.

14 ALL: Welcome.

15 CLARISSA RODRIGUEZ: Okay. And with that,
16 Board Members, may I please have a motion to adjourn
17 today's meeting?

18 RENEE DELGADO: Yes, Board Member Delgado, I
19 make a motion to adjourn.

20 CLARISSA RODRIGUEZ: Thank you, Board
21 Member Delgado. Is there a second?

22 PAMELA CAGGIANELLI: Yes. Board Member,
23 this is Pam Caggianelli, and I second that motion.

24 CLARISSA RODRIGUEZ: Thank you, Board

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Member Caggianelli. Is there any opposition to the motion? Okay, hearing none, Board Members all in favor, say, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: All opposed? Okay, I am also a yes, meeting adjourned. Thank you all.

(Whereupon, meeting was adjourned.)