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**Workers' Compensation Full Board Meeting Minutes**

**Date:** Tuesday; July 16, 2024  
**Location:** 328 State Street, Schenectady, NY  
Room 324  
WebEx/Live Broadcast

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

**MEMBERS OF THE BOARD**

- Clarissa M. Rodriguez, Chair
- Freida Foster, Vice Chair
- Mark Higgins
- Loren Lobban, Esq.
- Samuel G. Williams
- Linda Hull
- Fredrick M. Ausili, Esq.
- Steven A. Crain, Esq.
- Mark R. Stasko
- Arelis Tavares
- Martin M. Dilan
- Pamela Caggianelli
- Renee Delgado, Esq.
- Gloribelle Perez, Esq.

**SECRETARY TO THE BOARD**

- Laura Inglis

**GENERAL COUNSEL**

- Heather MacMaster, Esq.

**EXECUTIVE DIRECTOR**

- Steven M. Scotti, Esq.

**OFFICE OF GENERAL COUNSEL**

- Tracy Fitzgerald

1 CLARISSA RODRIGUEZ: Okay. Good morning,  
2 everyone. Welcome.

3 UNIDENTIFIED SPEAKER: Good morning.

4 CLARISSA RODRIGUEZ: Thank you for being  
5 here today. I am Clarissa Rodriguez, Chair of the  
6 New York State Workers' Compensation Board. Today's  
7 Full Board meeting is being webcast live for members  
8 of the public. Welcome. And it is also being  
9 facilitated by American Sign Language interpreters.  
10 Welcome, interpreters.

11 It is -- I now have the honor of calling the  
12 1,034th meeting of the Full Board to order. Madam  
13 Secretary, will you please call attendance?

14 LAURA INGLIS: Vice Chair Foster.

15 FREIDA FOSTER: Here.

16 LAURA INGLIS: Board Member Higgins.

17 MARK HIGGINS: Here.

18 LAURA INGLIS: Board Member Lobban.

19 LOREN LOBBAN: Here.

20 LAURA INGLIS: Board Member Williams.

21 SAMUEL WILLIAMS: Here.

22 LAURA INGLIS: Board Member Hull.

23 LINDA HULL: Here.

24 LAURA INGLIS: Board Member Crain.

1 STEVEN CRAIN: Here.

2 LAURA INGLIS: Board Member Stasko.

3 MARK STASKO: Here.

4 LAURA INGLIS: Board Member Tavares.

5 ARELIS TAVARES: Here.

6 LAURA INGLIS: Board Member Caggianelli.

7 PAMELA CAGGIANELLI: Here.

8 LAURA INGLIS: Board Member Dilan.

9 MARTIN DILAN: Present.

10 LAURA INGLIS: Board Member Delgado.

11 RENEE DELGADO: Here.

12 LAURA INGLIS: And, Board Member Perez.

13 GLORIBELLE PEREZ: Here.

14 LAURA INGLIS: Madam Chair, we have a Full  
15 Board.

16 CLARISSA RODRIGUEZ: Thank you, Madam  
17 Secretary. Agenda Item 1, approval of the June 11th,  
18 2024 Board meeting minutes. Board Members, you've all  
19 received a copy of the June meetings for -- the June  
20 meeting minutes for your review. Are there any  
21 questions or need for discussion? Okay. Hearing  
22 none, is there a motion to approve the Board meeting  
23 minutes for --

24 MARK HIGGINS: Yes.

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CLARISSA RODRIGUEZ: -- June 2024?

MARK HIGGINS: Yes, Madam Chair. Board Member Mark Higgins. I move that we approve the minutes of the past meeting of -- of June 11th, 2024.

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

LINDA HULL: Yes, Madam Chair. This is Board Member Hull and I second that motion.

CLARISSA RODRIGUEZ: Okay. Thank you, Board Member Hull, for that second. 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? I am also a yes. That motion is passed. Thank you. Agenda Item 2, Office of General Counsel's Departmental Report. General Counsel, Heather MacMaster, will now present the Office of General Counsel's Departmental Report for the month of June.

HEATHER MACMASTER: Thank you, Madam Chair, Madam Vice Chair, Members of the Board. In June of 2024 the Office of General -- in the Office of General Counsel, the Adjudication Division held 15,200

1           hearings, issued 9,727 decisions at hearing and  
2           issued --

3                   UNIDENTIFIED SPEAKER:        Bless you.

4                   HEATHER MACMASTER:        -- 299 Reserve  
5           Decisions. The Adjudication Division also finalized  
6           1,723 Waiver Agreements.

7                   In the Administrative Review Division, 920  
8           applications were received, 794 were processed, and  
9           there are currently 7,424 -- 23 applications pending,  
10          excuse me. And in the Legal Affairs Division, 93 Full  
11          Board Review applications were received, 72 were  
12          processed, and there are currently 202 applications  
13          pending. Thank you.

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

19                   MARTIN DILAN:           Madam Chair, present Board  
20          Member Dilan, and I accept the report.

21                   CLARISSA RODRIGUEZ:        Thank you.

22                   STEVEN CRAIN:           Second, Board Member Crain.

23                   CLARISSA RODRIGUEZ:        Thank you for that  
24          second, Board Member Crain. Was there any opposition

1 to the motion? Okay. Hearing no opposition, Board  
2 Members all in favor, please 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, Board Members. Agenda Item 3,  
7 License Applications. Tracy Fitzgerald from the  
8 Office of General Counsel will now present the  
9 Licensing Applications for the past month. Thank you.

10 TRACY FITZGERALD: Good morning, Madam  
11 Chair, Madam Vice Chair and 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 we have James Olivadoti, three  
16 years. Alan Reich, three years. Under  
17 Section 50(3-b) Lincoln Life & Annuity Company of  
18 New York with a new qualifying officer,  
19 Heather Deichler, Esquire, two years, and W.J. Cox  
20 Associates, Inc., qualifying officer, Jeffrey Jaketic,  
21 Esquire, three years. I present these recommendations  
22 to the Board for your consideration. Thank you.

23 CLARISSA RODRIGUEZ: Thank you. Board  
24 Members, are there any questions or need for

1 discussion? Hearing none, may I please have a motion  
2 to accept the recommendations of the Panels as  
3 presented?

4 LINDA HULL: Yes, Madam Chair. This is  
5 Board Member Linda Hull and I move that we accept  
6 Tracy Fitzgerald's Licensing Applications.

7 CLARISSA RODRIGUEZ: Thank you. Is there a  
8 second?

9 MARK STASKO: Yes, Madam Chair. This is  
10 Board Member Stasko. I second that motion.

11 CLARISSA RODRIGUEZ: Thank you for that  
12 second. Is there any opposition to the motion? Okay.  
13 Hearing no opposition, all -- Board Members all in  
14 favor, please say aye.

15 ALL: Aye.

16 CLARISSA RODRIGUEZ: Thank you. All  
17 opposed? Hearing no opposition, I am also a yes.  
18 That motion is passed. Thank you, Board Members.  
19 Agenda Item 4, Legal Appeals. Heather MacMaster will  
20 now present the recommendations concerning decisions  
21 by the Appellate Division.

22 HEATHER MACMASTER: Thank you, Madam Chair.  
23 With respect to Items 4A through 4E, it is the  
24 recommendation of the Office of General Counsel that

1 the decisions of the Appellate Division be adopted as  
2 the decisions of the Board.

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

8 PAMELA CAGGIANELLI: Yes, Madam Chair. This  
9 is Board Member Caggianelli and I move that we accept  
10 the recommendations of the General Counsel  
11 (inaudible).

12 CLARISSA RODRIGUEZ: Thank you, Board Member  
13 Caggianelli. Is there a second?

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

16 CLARISSA RODRIGUEZ: Thank you, Board Member  
17 Lobban. Is there any opposition to the motion?  
18 Hearing none, Board Members all in favor, please say  
19 aye.

20 ALL: Aye.

21 CLARISSA RODRIGUEZ: Thank you. All  
22 opposed? Okay. I am also a yes. That motion is  
23 passed. Thank you, Board Members. Agenda Item 5,  
24 there are no Mandatory Decisions to review this month



1 so we will move on to our Discretionaries. And I now  
2 turn this portion of the agenda over to Vice Chair  
3 Foster.

4 FREIDA FOSTER: Thank you, Madam Chair. For  
5 the cases listed in Item 6 of your agenda, it has been  
6 recommended that Full Board review be granted. Those  
7 cases are 6A, Matter of North American Cleaning; 6B,  
8 Matter of New York State Department of Corrections;  
9 and 6C, Matter of Manhattan & Bronx Surface Transit.  
10 I move to refer the cases back to their respective  
11 Panels for further consideration.

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

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

16 CLARISSA RODRIGUEZ: Thank you, Board Member  
17 Caggianelli. Are there any recusals from any of these  
18 matters? Okay. Hearing none, is -- is there any  
19 opposition to the motion? Okay. Hearing no  
20 opposition, Board Members all in favor, please say  
21 aye.

22 ALL: Aye.

23 CLARISSA RODRIGUEZ: Thank you. All  
24 opposed? Okay. Hearing none, I am also a yes. That

1 motion is passed. Agenda Item 7, is there any other  
2 business, Board Members, before we conclude today's  
3 meeting? No? Okay. May I please have a motion to  
4 adjourn today's meeting?

5 STEVEN CRAIN: Motion to adjourn, Board  
6 Member Crain.

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

9 LOREN LOBBAN: Absolutely. Board Member  
10 Lobban and I second the motion.

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

15 ALL: Aye.

16 CLARISSA RODRIGUEZ: All opposed? I am also  
17 a yes. Meeting adjourned. That motion is passed.  
18 Thank you, Board Members.

19 UNIDENTIFIED SPEAKER: Thank you.

20 CLARISSA RODRIGUEZ: Have a great rest of  
21 your summer. Take care.

22 WHEREUPON, THE MEETING WAS ADJOURNED.  
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