

1 Workers' Compensation Full Board Meeting Minutes

2
3 **Date:** Tuesday, June 11, 2024

4 **Location:** 328 State St., Schenectady, NY
5 Room 324

6 **Time:** Webcast Live
7 10:00 a.m.

8 **MEMBERS OF THE BOARD**

9 Clarissa M. Rodriguez, Chair

10 Freida Foster, Vice Chair

11 Mark Higgins

12 Loren Lobban, Esq.

13 Samuel Williams

14 Linda Hull

15 Steven A. Crain, Esq.

16 Mark R. Stasko

17 Pamela Caggianelli (excused)

18 Arelis Tavares

19 Martin M. Dilan

20 Renee Delgado, Esq.

21 Gloribelle Perez, Esq.

22 **EXECUTIVE DIRECTOR**

23 Steven M. Scotti, Esq.

24 **SECRETARY TO THE BOARD**

Laura Inglis

GENERAL COUNSEL

Heather MacMaster, Esq.

ASSOCIATE ATTORNEY

Heather Justice, Esq.

1 CLARISSA RODRIGUEZ: Good morning, everyone.
2 Welcome to today's Board meeting. I'm Clarissa
3 Rodriguez, Chair of the New York State Workers'
4 Compensation Board. Today's Full Board meeting is
5 being webcast live for members of the public.
6 Welcome, everyone. Thank you for joining us.

7 I now have the honor of calling the 1,033rd
8 meeting of the Full Board to order. Madam Secretary,
9 will you please call attendance?

10 LAURA INGLIS: Vice Chair Foster.

11 FREIDA FOSTER: Here.

12 LAURA INGLIS: Board Member Higgins.

13 MARK HIGGINS: Here.

14 LAURA INGLIS: Board Member Lobban.

15 LOREN LOBBAN: Here.

16 LAURA INGLIS: Board Member Williams.

17 SAMUEL WILLIAMS: Here.

18 LAURA INGLIS: Board Member Hull.

19 LINDA HULL: Here.

20 LAURA INGLIS: Board Member Crain.

21 STEVEN CRAIN: Here.

22 LAURA INGLIS: Board Member Stasko.

23 MARK STASKO: Here.

24 LAURA INGLIS: Board Member Tavares.

1 ARELIS TAVARES: Here.

2 LAURA INGLIS: Board Member Caggianelli.
3 Board Member Dilan.

4 MARTIN DILAN: Here.

5 LAURA INGLIS: Board Member Delgado.

6 RENEE DELGADO: Here.

7 LAURA INGLIS: Board Member Perez.

8 GLORIBELLE PEREZ: Here.

9 LAURA INGLIS: Madam Chair, Board Member
10 Caggianelli is absent.

11 CLARISSA RODRIGUEZ: Okay, thank you.
12 Board Member Caggianelli has asked to be excused, and
13 that is granted. Board Members, may I please have a
14 motion to accept the absence of Board Member
15 Caggianelli?

16 MARK HIGGINS: Yes, Madam Chair, Board
17 Member Mark Higgins, I move that we accept the absence
18 of Board Member Caggianelli.

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

21 SAMUEL WILLIAMS: Yes, Madam Chair, Board
22 Member Sam Williams, I second that motion.

23 CLARISSA RODRIGUEZ: Thank you, Board
24 Member Williams. Is there any opposition to the

1 motion? Hearing no opposition, Board Members all in
2 favor, please say aye.

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: All opposed? I am
5 also a yes, that motion is passed. Thank you. Agenda
6 Item 1, approval of the May 14, 2024 meeting minutes.
7 Board Members, you've all received a copy of the
8 minutes for your review. Are there any questions or
9 need for discussion? Okay, hearing none, may I please
10 have a motion to accept the May 2024 Board meeting
11 minutes?

12 MARK STASKO: Yes, Madam Chair, this is
13 Board Member Stasko.

14 CLARISSA RODRIGUEZ: Thank you. And you
15 move to approve the minutes?

16 MARK STASKO: Right.

17 CLARISSA RODRIGUEZ: Thank you, Board
18 Member Stasko. Is there a second?

19 LOREN LOBBAN: Second motion.

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

24 ALL: Aye.

1 CLARISSA RODRIGUEZ: Thank you. All
2 opposed? I am also a yes, that motion is passed.
3 Thank you, Board Members. Agenda Item 2, Office of
4 General Counsel's Departmental Report. General
5 Counsel, Heather MacMaster, will now present the
6 Office of General Counsel's Departmental Report for
7 the month of May.

8 HEATHER MACMASTER: Good morning, Madam
9 Chair, Madam Vice Chair, Members of the Board. In May
10 2024, the Office, in the Office of General Counsel;
11 the Adjudication Division held 17,497 hearings,
12 11,106 cases were resolved at hearing, and 314 Reserve
13 Decisions were issued. In addition, 2,251 Waiver
14 Agreements were finalized.

15 In the Administrative Review Division, 1,6 --
16 1,065 applications were received, 973 were processed,
17 and there are currently 7,299 applications pending.
18 In Legal Affairs, 82 Full Board Review applications
19 were received, 106 were processed, and there's
20 currently an inventory of 181 decisions -- 181
21 applications. Thank you.

22 CLARISSA RODRIGUEZ: Thank you, Heather.
23 Board Members, are there any questions or need for
24 discussion? Hearing none, may I please have a motion

1 to accept the Office of General Counsel's Departmental
2 Report?

3 LINDA HULL: Yes, Madam Chair, this is Board
4 Member Linda Hull, and I move to accept the General
5 Counsel's report as presented.

6 CLARISSA RODRIGUEZ: Thank you, Board
7 Member Hull. Is there a second?

8 LOREN LOBBAN: Yes, Madam Chair, this is
9 Board Member Loren Lobban, and I second that motion.

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

14 ALL: Aye.

15 CLARISSA RODRIGUEZ: All opposed? I am
16 also a yes, that motion is passed. Thank you. Agenda
17 Item 3, License Applications. Associate Attorney,
18 Heather Justice, will now present Licensing
19 Applications for last month. Good morning.

20 HEATHER JUSTICE: Good morning, Madam Chair,
21 Madam Vice Chair, Board Members, and Colleagues. You
22 have before you the recommendations from the Assigned
23 Board Panel regarding the License Applications listed
24 in Part 3 of today's agenda. Pursuant to

1 Section 24-a, Mark Sullivan, three years. Pursuant to
2 Section 50(3-b), AbSolve LLC, with an unknown QO,
3 we're recommending non-renewal. For the Public
4 Employer Risk Management Association, PERMA, the QO is
5 Matthew Mead, and we're recommending three years. For
6 Section 30, I'm sorry, Section 50(3-d), Helmsman
7 Management Services LLC, the QO is Arlene Zalayet, and
8 we're recommending three years. I present these
9 recommendations for your consideration.

10 CLARISSA RODRIGUEZ: Thank you. Board
11 Members, are there any questions or need for
12 discussion? Okay, hearing none, may I please have a
13 motion to accept the recommendations of the Panels as
14 presented?

15 MARTIN DILAN: So moved. Board Member
16 Dilan.

17 CLARISSA RODRIGUEZ: Thank you, Board
18 Member Dilan. Is there a second?

19 STEVEN CRAIN: Second, Board Member Crain.

20 CLARISSA RODRIGUEZ: Thank you, Board
21 Member Crain. 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: Thank you. All
2 opposed? Hearing no opposition, I am also a yes, that
3 motion is passed. Agenda Item 4, Legal Appeals.
4 Heather MacMaster will now present the recommendations
5 concerning decisions by the Appellate Division.

6 HEATHER MACMASTER: Madam Chair, with
7 respect to items 4A through 4G on today's agenda, it
8 is the recommendation of the Office of General Counsel
9 that the decisions of the Appellate Division be
10 adopted as the decisions of the Board.

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

15 LINDA HULL: Yes, Madam Chair, this is Board
16 Member Linda Hull, and I move to accept the Legal
17 Appeals as presented by Heather MacMaster.

18 CLARISSA RODRIGUEZ: Thank you very much,
19 Board Member Hull. Is there a second?

20 LOREN LOBBAN: Yes, Madam Chair, Board
21 Member Loren Lobban, and I second the motion.

22 CLARISSA RODRIGUEZ: Thank you, Board
23 Member Lobban. Is there any opposition to the motion?
24 Hearing no opposition, Board Members all in favor,

1 please say aye.

2 ALL: Aye.

3 CLARISSA RODRIGUEZ: All opposed? Hearing
4 no opposition, I am also a yes, that motion is passed.
5 Thank you. Agenda Item 5, Mandatory Full Board
6 Review. We have case 5A, Consolidated Edison Company
7 of New York Inc., case number G2960555. Is there a
8 motion with respect to 5A on the agenda?

9 ARELIS TAVARES: Yes, Madam Chair, this is
10 Board Member Tavares, and I move that the majority
11 opinion as modified be adopted as the opinion of the
12 Full Board.

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

15 GLORIBELLE PEREZ: Yes, Madam Chair, this is
16 Board Member Gloribelle Perez, and I second that
17 motion.

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

23 ALL: Aye.

24 CLARISSA RODRIGUEZ: All opposed? Hearing

1 no opposition, I am also a yes, that motion is passed.
2 Thank you. 5B, New York City Transit Authority. Case
3 number G3259631. Is there a motion with respect to 5B
4 on the agenda?

5 LOREN LOBBAN: Yes, Madam Chair, I would
6 move that the dissenting opinion be adopted as the
7 opinion of the Board.

8 CLARISSA RODRIGUEZ: Thank you, Board
9 Member Lobban. Is there a second?

10 LINDA HULL: Yes, Madam Chair, this is Linda
11 Hull, and I second that motion.

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

17 ALL: Aye.

18 CLARISSA RODRIGUEZ: Thank you. All
19 opposed? Hearing no opposition, I am also a yes, so
20 that motion is passed. Thank you, Board Members.
21 Agenda Item 6, Discretionary Full Board Review. And
22 I'll turn this portion of the agenda over to Vice
23 Chair Foster.

24 FREIDA FOSTER: Thank you, Madam Chair. For

1 the cases listed in Item 6 of your agenda, it's been
2 recommended that Full Board be granted. Those cases
3 are 6A, Matter of Division of State Police; 6B, the
4 Matter of Green Haven Correctional Facility; and 6C,
5 the Matter of New York City Health & Hospitals
6 Corporation. I move to refer the cases back to their
7 respective Panels for consideration.

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

10 RENEE DELGADO: Yes, Board Member Delgado, I
11 second.

12 CLARISSA RODRIGUEZ: Thank you, Board
13 Member Delgado. Are there any recusals from any of
14 these matters? Is there any opposition to the motion?
15 Hearing no opposition, Board Members all in favor,
16 please say aye.

17 ALL: Aye.

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

23 MARTIN DILAN: Motion to adjourn.

24 CLARISSA RODRIGUEZ: Thank you, Board

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Member Dilan. Is there a second?

MARK STASKO: (Inaudible) I second that motion.

CLARISSA RODRIGUEZ: Okay, thank you, Board Member Stasko. 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 none, I am also a yes, that motion is passed. Meeting adjourned. Thank you, all.

(Whereupon, meeting was adjourned.)