

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Brognano v County of Oneida

2026 NY Slip Op 02308 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. CV-24-1286 · Decided April 16, 2026

SUMMARY

The Appellate Division, Third Department affirmed a Workers' Compensation Board decision establishing a claim for a traumatic brain injury sustained by a county caseworker at work. The court held that substantial evidence supported the Board's finding that a workplace accident occurred and that the employer failed to rebut the presumption that the injury arose out of employment under Workers' Compensation Law § 21(1).

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Garry, P.J.; Reynolds Fitzgerald, J.; Powers, J.; Mackey, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	April 16, 2026
DOCKET	CV-24-1286
DISPOSITION	affirmed
PROCEDURAL POSTURE	County of Oneida appealed from a Workers' Compensation Board decision establishing James Brognano III's claim for workers' compensation benefits based on an accidental head injury arising out of and in the course of employment.
STANDARD OF REVIEW	Whether a compensable accident occurred is a question of fact for the Workers' Compensation Board, and the Board's determination will not be disturbed when supported by substantial evidence.
PRECEDENTIAL VALUE	published
PARTIES	County of Oneida v. James Brognano III, Claimant, Workers' Compensation Board, Respondent

TOPICS

workers compensation

appellate procedure

standard of review

employment law

administrative law

PRACTICE AREAS

workers' compensation

employment law

administrative law

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Workers' Compensation Board's finding that claimant sustained an accidental injury at work.
2. Whether the employer rebutted the presumption under Workers' Compensation Law § 21 (1) that an accident and injury occurring during employment arose out of the employment.

HOLDINGS

1. The Board's finding that claimant sustained a workplace accident was supported by substantial evidence and therefore would not be disturbed.
2. The employer failed to present substantial evidence sufficient to overcome the Workers' Compensation Law § 21 (1) presumption that claimant's accidental injury arose out of his employment.

KEY QUOTATIONS

"Whether a compensable accident has occurred is a question of fact to be resolved by the Board and its determination will not be disturbed when supported by substantial evidence" ([*2])

"the Board has broad authority to make credibility determinations and to draw reasonable inferences from record evidence" ([*2])

"The Board having determined that claimant was injured during his employment, "it is presumed that the accident and injury arose out of claimant's employment, and the employer may overcome the presumption of compensability by presenting substantial evidence to the contrary"" ([*2]-[*3])

FACTUAL BACKGROUND

James Brognano III, a caseworker, returned to work on January 19, 2021, after quarantine and sick leave. After returning from lunch, a nearby coworker heard a "kaboom" from Brognano's cubicle, after which Brognano complained of a severe headache and appeared clammy, shaky, and disfigured around one eye. He was taken to a hospital, where he was found to have bruising, an orbital roof fracture, and a traumatic epidural hematoma requiring emergency surgery. Although no one observed the accident and Brognano had no memory of it, his treating neurosurgeon attributed the hematoma to blunt-force trauma such as a fall from standing onto a hard surface.

PROCEDURAL HISTORY

The claim was filed in February 2021 and controverted by the self-insured employer. After a hearing, the Workers' Compensation Law Judge found prima facie medical evidence of a traumatic brain injury but concluded that claimant had not demonstrated that an accident occurred at work and disallowed the claim. The

Workers' Compensation Board reversed, established the claim for a head injury and traumatic brain injury, and determined that the employer had not rebutted the presumption of compensability under Workers' Compensation Law § 21 (1). The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Zobel v Chemung County, 136 AD3d 1140, 1140 [3d Dept 2016], lv denied 27 NY3d 907 [2016]
- Matter of Silvestri v New York City Tr. Auth., 153 AD3d 1069, 1071 [3d Dept 2017]
- Matter of Ellis v Frito Lay Inc., 138 AD3d 1363, 1363-1364 [3d Dept 2016]
- Matter of Klamka v Consolidated Edison Co. of N.Y., Inc., 84 AD3d 1527, 1528 [3d Dept 2011]
- Matter of Buccinna v Pembroke Cent. Sch. Dist., 165 AD3d 1369, 1370-1371 [3d Dept 2018]
- Matter of Thompson v Genesee County Sheriff's Dept., 43 AD3d 1252, 1253-1254 [3d Dept 2007]
- Matter of Keevins v Farmingdale UFSD, 304 AD2d 1013, 1014 [3d Dept 2003]

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