

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

Claim of Zobel v. Chemung County

136 A.D.3d 1140 (N.Y. App. Div. 2016) · Decided February 11, 2016

SUMMARY

The New York Appellate Division affirmed a Workers’ Compensation Board decision awarding benefits to a correction officer who tore the medial meniscus in his right knee while turning to enter an elevator at work. The court held that substantial evidence supported the Board’s finding that the injury was a compensable workplace accident rather than an idiopathic injury.

CASE DETAILS

|                       |                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Third Department                                                            |
| WRITING FOR THE COURT | Clark, J.; McCarthy, J.P.; Garry, J.; Lynch, J.; Devine, J.                                                                             |
| JURISDICTION          | New York                                                                                                                                |
| DECIDED               | February 11, 2016                                                                                                                       |
| DISPOSITION           | affirmed                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal from a Workers’ Compensation Board decision awarding the claimant workers’ compensation benefits for a work-related knee injury. |
| STANDARD OF REVIEW    | The Board’s factual determination that a compensable accident occurred will not be disturbed when supported by substantial evidence.    |
| PRECEDENTIAL VALUE    | Published and precedential state intermediate appellate decision                                                                        |

TOPICS

- workers compensation
- administrative law
- judicial review of agency action

PRACTICE AREAS

- Workers’ compensation
- Administrative law

QUESTIONS PRESENTED

- Whether substantial evidence supported the Workers’ Compensation Board’s finding that claimant sustained a compensable work-related accident.

2. Whether claimant's knee injury was idiopathic and unrelated to the risks or duties of his employment.

## HOLDINGS

1. The Workers' Compensation Board properly determined that claimant's torn medial meniscus resulted from a workplace accident and was compensable under the Workers' Compensation Law.
2. The employer failed to establish that claimant's knee injury was idiopathic or unrelated to employment; the evidence supported finding that the twisting movement while entering the workplace elevator caused the injury.

## 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" (1140)*

## FACTUAL BACKGROUND

Claimant, a correction officer, injured his right knee while turning to enter an elevator at work at the end of his shift while proceeding to clock out. He testified that he had no prior right-knee injury and that using the elevator was part of his regular work duties because the stairs were usually locked. The employer's independent medical examiner stated that turning the leg while entering the elevator could have caused a degenerative tear of the medial meniscus.

## PROCEDURAL HISTORY

A Workers' Compensation Law Judge found that claimant sustained a work-related injury and awarded benefits. The Workers' Compensation Board affirmed, and the employer and its workers' compensation carrier appealed to the Appellate Division, which affirmed the Board's decision.

## DISPOSITION

affirmed

## CASES CITED

- Matter of Worthington v Samaritan Med. Ctr., 124 A.D.3d 1155, 1155-1156 (2015)
- Matter of Cicciarelli v Westchester Health Care Corp., 86 A.D.3d 733, 734 (2011)
- Matter of Enriquez v Home Lawn Care & Landscaping, Inc., 77 A.D.3d 1149, 1151 (2010)
- Matter of Lopez v City Univ. of N.Y., 299 A.D.2d 645, 646 (2002)
- Matter of Hopkins v Emcor Group, Inc., 130 A.D.3d 1114, 1115 (2015)
- Matter of Scalzo v St. Joseph's Hosp., 297 A.D.2d 883, 884 (2002)