

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

Matter of Renz v. Home Depot USA, Inc.

73 A.D.3d 1244 (3d Dep't 2010) · Decided May 6, 2010

SUMMARY

The New York Appellate Division, Third Department, affirmed a Workers’ Compensation Board decision barring the claimant from pursuing a neck-injury claim after stipulating to schedule loss-of-use awards for both arms. The court held that the stipulation precluded the neck claim because the claimant’s neck symptoms were documented at the time of the stipulation and counsel had denied that any other body parts were involved. The court also upheld the determination that the claimant’s bilateral carpal tunnel syndrome was not causally related or consequential because the medical records linked it solely to the barred neck injury.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Mercure, J.P.; Peters, J.; Rose, J.; Stein, J.; McCarthy, J.
JURISDICTION	New York
DECIDED	May 6, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the Workers’ Compensation Board's decision barring her from pursuing a neck-injury claim and related consequential injuries after she had stipulated to schedule loss-of-use awards for both arms.
STANDARD OF REVIEW	The court deferred to the Workers’ Compensation Board as the final arbiter of credibility and reviewed whether the Board acted irrationally and whether its determinations were supported by substantial evidence.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Renz v. Home Depot USA, Inc.

TOPICS

workers compensation

administrative law

judicial review of agency action

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the parties' stipulation to schedule loss-of-use awards for claimant's arms barred her from later pursuing a neck-injury claim.
2. Whether the stipulation also barred consequential claims, including bilateral carpal-tunnel syndrome, that were medically linked to the neck injury.
3. Whether the Workers' Compensation Board acted irrationally or lacked substantial evidence in denying claimant's application to reopen the case.

HOLDINGS

1. The Workers' Compensation Board properly determined that claimant's stipulation barred her from pursuing the neck-injury claim because the neck injury was known and symptomatic when the stipulation was entered and claimant expressly represented that no other body parts were involved.
2. The Board properly denied benefits for bilateral carpal-tunnel syndrome because claimant's medical records linked that condition solely to the barred neck injury, leaving no causally related or consequential carpal-tunnel claim supported by the evidence.
3. The Appellate Division is bound by the Workers' Compensation Board's credibility determinations because the Board is the final arbiter of credibility.

KEY QUOTATIONS

"It is well settled that the Board is the final arbiter of credibility and we are bound by its determinations in that regard" (1245)

"the Board did not act irrationally in concluding that the stipulation barred pursuit of the neck claim and denying claimant's application to reopen the case" (1245)

FACTUAL BACKGROUND

Claimant, an employee of Home Depot USA, Inc., injured herself in 2005 while moving an electric ladder. Although the Workers' Compensation Board initially recognized a left-shoulder injury, claimant later raised right-shoulder and neck injuries, and her physician continued to diagnose a neck injury before the parties entered a stipulation. At a March 2007 hearing, claimant stipulated to schedule loss-of-use awards for both arms, and her attorney answered "No" when asked whether any other body parts were involved. Claimant subsequently sought to reopen the case based on worsening neck symptoms and related thumb, finger, and bilateral carpal-tunnel conditions.

PROCEDURAL HISTORY

Claimant was injured while moving an electric ladder at work. The Workers' Compensation Law Judge authorized treatment for shoulder injuries and diagnostic testing concerning a possible neck injury. At a later hearing, claimant stipulated to schedule loss-of-use awards for her arms and counsel stated that there were no other affected body parts. Claimant later sought to reopen the claim to pursue neck, thumb, finger, and carpal-tunnel injuries. The WCLJ and Workers' Compensation Board determined that the stipulation barred the neck claim and related claims, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Jaquin v. Community Covenant Church, 69 A.D.3d 998, 999-1000
- Matter of Young v. Pentax Precision Instrument Corp., 57 A.D.3d 1323, 1325
- Matter of Davis v. GA Braun, 306 A.D.2d 727, 728-729
- Matter of Caiazza v. Eastman Kodak Co., 300 A.D.2d 966, 967

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