

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

Matter of Price v. Premium Brands Opco, LLC

2026 NY Slip Op 03346 (3d Dep't 2026) · No. CV-25-0913 · Decided May 28, 2026

SUMMARY

The Appellate Division, Third Department, held that the Workers’ Compensation Board improperly denied a claimant’s application for review based on inadvertent omissions in Form RB-89. Applying Workers’ Compensation Law § 23-a, the court reversed the Board’s June 5, 2025 decision and remitted the matter for further proceedings, while dismissing as academic the appeal from the denial of reconsideration or full Board review.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Fisher, J.; Garry, P.J.; Clark, J.; Mackey, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	May 28, 2026
DOCKET	CV-25-0913
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Claimant appealed from Workers' Compensation Board decisions denying review of a Workers' Compensation Law Judge's decision and denying reconsideration and/or full Board review. The Appellate Division reversed the denial of the initial Board-review application and dismissed the appeal from the later decision as academic.
STANDARD OF REVIEW	The Board's determination was reviewed for abuse of discretion and consistency with Workers' Compensation Law § 23-a.
PRECEDENTIAL VALUE	precedential
PARTIES	Jennifer L. Price v. Premium Brands Opco, LLC, another respondent, Workers' Compensation Board

TOPICS

- workers compensation
- judicial review of agency action
- statutory interpretation
- appellate procedure

PRACTICE AREAS

workers' compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Workers' Compensation Board could deny review based on technical omissions in form RB-89 when the claimant timely filed and served the application and the omissions did not prejudice the opposing parties.
2. Whether the appeal from the Board's denial of reconsideration and/or full Board review remained justiciable after reversal of the underlying denial.

HOLDINGS

1. Technical mistakes, omissions, defects, or irregularities in a form RB-89 accompanying an application for administrative review cannot serve as grounds for denying the application when the claimant otherwise satisfied the filing and service requirements and the omissions did not affect the substantial rights of the parties. The Board's contrary denial violated Workers' Compensation Law § 23-a and constituted an abuse of discretion.
2. The appeal from the Board's decision denying reconsideration and/or full Board review was rendered academic by reversal of the underlying denial and was properly dismissed.

KEY QUOTATIONS

“Notwithstanding anything contained in 12 NYCRR 300.13 (b), . . . a mistake, omission, defect and/or other irregularity in a [form RB-89] accompanying an application for administrative review . . . shall not be grounds for denial of said application” ([*2])

“the Board's regulations requiring that an application for Board review be filled out completely and/or correctly may not abdicate, contravene or be inconsistent” ([*3])

FACTUAL BACKGROUND

Jennifer L. Price, an assistant manager at a retail store, tripped and fell at work in November 2023 and sought workers' compensation benefits. The Workers' Compensation Law Judge established a work-related cervical-spine injury but found that Price had not presented prima facie medical evidence of a left-knee injury. In seeking Board review, Price's form RB-89 omitted the filing affirmation and the date of service, although she later provided evidence that the application had been timely filed and served and that the omissions were inadvertent.

PROCEDURAL HISTORY

After claimant tripped and fell at work, a Workers' Compensation Law Judge established a cervical-spine injury claim but found no prima facie medical evidence supporting an alleged left-knee injury. Claimant filed a form RB-89 seeking Board review but omitted portions concerning filing and service, later submitting a supplemental form and evidence that the application had been timely filed and served. The Workers' Compensation Board deemed the supplemental form untimely and denied review, then denied reconsideration and/or full Board review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The June 5, 2025 Workers' Compensation Board decision was reversed and the matter was remitted to the Board for further proceedings not inconsistent with the court's decision. The appeal from the July 28, 2025 decision was dismissed as academic.

CASES CITED

- Matter of Martinez v. Eastchester Fire Dist., 222 AD3d 1139, 1140 (3d Dep't 2023)
- Matter of Evans v. Northeast Logistics, Inc., 227 AD3d 1246, 1248 (3d Dep't 2024)
- Matter of Szymanski v. ABA Tech Indus., Inc., 204 AD3d 1281, 1283 (3d Dep't 2022)
- Matter of So v. Erin's Pharm. Inc., 228 AD3d 1122, 1124 (3d Dep't 2024)
- Matter of Troiano v. New York City Hous. Auth., 243 AD3d 1104, 1106 (3d Dep't 2025)

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