Keevins v. Farmingdale UFSD

Supreme Court of New York, Appellate Division, Third Department
April 17, 2003, Decided ; April 17, 2003, Entered
92691

Reporter: 304 A.D.2d 1013; 759 N.Y.S.2d 213; 2003 N.Y. App. Div. LEXIS 4160

In the Matter of the Claim of Kathleen Keevins, Appellant, v. Farmingdale UFSD et al., Respondents. Workers' Compensation Board, Respondent.

Disposition: [***1] Decision reversed; matter remitted to the board.

Core Terms

claimant, workers' compensation, course of employment, knee, horn, substantial evidence, compensable injury, required to prove, injury resulted, cause injury, job duties, teacher, arisen, popped, rebut, hook, walk, red

Case Summary

Procedural Posture

Claimant, a teacher, filed a request for workers' compensation benefits. A workers' compensation law judge concluded that the teacher sustained a work-related injury to her right knee. On appeal, respondent, the New York Workers' Compensation Board, determined that the injury was not compensable because it did not result from an accident nor did it arise out of the teacher's employment. The teacher appealed the decision.

Overview

The teacher was walking around her desk after retrieving materials for a student when she twisted her knee. For an injury to be compensable, it must have arisen both out of and in the course of employment, *N.Y. Workers' Comp. Law § 10*. The Board ruled that as the injury occurred while teacher was on duty at her place of employment, it was clearly in the course of her employment. Accidents arising in the course of employment were presumed to arise out of such employment, and this presumption could only be rebutted by substantial evidence to the contrary, *N.Y. Workers' Comp. Law § 21*. The appellate court held that a claimant was not required to prove that something directly related to job duties caused the injury. The appellate court held that the teacher's employer failed to present any proof to overcome the *N.Y. Workers' Comp. Law § 21* presumption that the teacher's accidental injury arose out of employment. Thus, the appellate court held that the Board's decision had to be reversed.

Outcome

The decision was reversed, with costs, and the matter was remitted to the Board for further proceedings.

LexisNexis® Headnotes

Workers' Compensation & SSDI > Compensability > Course of Employment > General Overview

HN1 For an injury to be compensable under the New York Workers' Compensation Law, it must have arisen both out of and in the course of employment, *N.Y. Workers' Comp. Law § 10*.

Workers' Compensation & SSDI > Compensability > Course of Employment > General Overview

Workers' Compensation & SSDI > Compensability > Injuries > Accidental Injuries

HN2 Accidents arising in the course of employment are presumed to arise out of such employment, and this presumption can only be rebutted by substantial evidence to the contrary, *N.Y. Workers' Comp. Law § 21*.

Workers' Compensation & SSDI > Compensability > Course of Employment > General Overview

Workers' Compensation & SSDI > Compensability > Injuries > Accidental Injuries

HN3 A claimant is not required to prove that something directly related to job duties caused the injury.

Counsel: Grey & Grey L.L.P., Farmingdale, (Joan S. O'Brien of counsel), for appellant.

Leonard B. Feld, Jericho, for State Insurance Fund, respondent.

Judges: Before: Cardona, P.J., Spain, Carpinello, Lahtinen and Kane, JJ. Cardona, P.J., Spain, Carpinello and Lahtinen, JJ., concur.

Opinion by: Kane

Opinion

[*1013] **[**214]** Appeal from a decision of the Workers' Compensation Board, filed January 30, 2002, which ruled that claimant did not sustain a compensable injury.

Claimant, a teacher for an in-school suspension program, was walking around her desk after retrieving materials for a student when she twisted her knee. This injury resulted in medical treatment and a workers' compensation claim. Following hearings at which claimant testified and the workers' compensation carrier submitted no evidence, a Workers' Compensation Law Judge concluded that claimant sustained a work-related injury to her right knee. On appeal, the Workers' Compensation Board determined that the injury was not compensable because it did not result from an accident nor did it arise out of claimant's **[***2]** employment. This appeal ensued.

HN1 "For an injury to be compensable under the *Workers' Compensation Law*, **[*1014]** it must have arisen both out of and in the course of employment" (*Matter of Thompson v New York Tel. Co., 114 A.D.2d 639, 639, 494 N.Y.S.2d 475 [1985]*; *see Workers' Compensation Law § 10*). The Board ruled that as the injury occurred while claimant was on duty at her place of employment, "it was clearly 'in the course of her employment.'" ***HN2*** Accidents arising "in the course of" employment are presumed to arise "out of" such employment, and this presumption can only be rebutted by substantial evidence to the contrary (*see Workers' Compensation Law § 21*; *Matter of Van Horn v Red Hook Cent. School*, 75 A.D.2d 699, 427 N.Y.S.2d 85 [1980]).

HN3 A claimant is not required to prove that something directly related to job duties caused the injury (*see e.g. Matter of Scalzo v St. Joseph's Hosp., 297 A.D.2d 883, 747 N.Y.S.2d 266 [2002]* [injury resulted from "workplace accident" where the claimant injured back quickly rising from office chair]; *Matter of Torio v Fisher Body Div. - General Motors Corp., 119 A.D.2d 955 [1986]* **[***3]** [compensable injury where the claimant's knee popped out of joint as he rose from cross-legged position on employer's lawn minutes before work]; *Matter of Thompson v New York Tel. Co., supra* [injury arose "out of" employment where knee popped as the claimant descended employer's stairway]). In *Matter of Van Horn v Red Hook Cent. School (supra)*, cited by the Board, a teacher fell while walking across her classroom. We find the facts in *Van Horn* indistinguishable from the matter before us. In both **[**215]** cases, the employer failed to present any proof to overcome the *Workers' Compensation Law § 21* presumption that claimant's accidental injury arose out of employment. Thus, the Board's decision must be reversed.

Cardona, P.J., Spain, Carpinello and Lahtinen, JJ., concur. Ordered that the decision is reversed, with costs, and matter remitted to the Workers' Compensation Board for further proceedings not inconsistent with this Court's decision.