

“[a]pplication for reconsideration after a determination made by the Board shall be in writing, and shall state specifically the grounds upon which the application is based. When any determination, resolution, requirement or order of the Board is sought to be reversed, modified, changed, rescinded or terminated

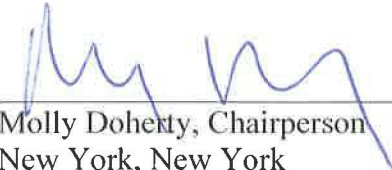
on account of facts or circumstance arising subsequent to a hearing or on account of consequences resulting from compliance with such determination, resolution, requirement or order, which are claimed to justify a reconsideration of the proceeding, the matters relied upon by the applicant shall be set forth fully.”

Petitioner has provided no justification for further reconsideration of our Decision pursuant to Board Rules (12 NYCRR) § 65.41 (a) (*see e.g. Matter of Singh*, Docket No. PR 14-245, at p. 2 [March 7, 2018] citing *Matter of Begiraj, et. al.*, Docket No. PR 11-393, at pp. 1-2 [April 13, 2016]). Instead, petitioner’s application attempts to relitigate arguments made at the hearing or contest the Board’s determination of the weight of the evidence presented at the hearing.


The Board does, however, note that the Decision’s Summary of Evidence may contain a factual error but finds that the possible error has no impact on the October 23, 2019 Decision. In the summary of petitioner’s testimony and documentary evidence, the Decision states that petitioner’s workers’ compensation benefits “ended on March 21, 2013.” Petitioner alleges in her motion for reconsideration that this fact is incorrect and that such benefits extended beyond March 21, 2013. Respondent does not refute this factual assertion in her opposition papers. The Board cannot determine on the evidence before it the date on which the workers’ compensation benefits ended and, thus, with this motion for reconsideration decision, strikes this fact from the October 23, 2019 Decision. The Board does not disturb its findings as contained in the October 23, 2019 Decision based on this factual error because whether petitioner continued to receive workers’ compensation payments beyond March 21, 2013 is irrelevant to the Board’s finding that it was reasonable for respondent to determine that there was no causal connection between petitioner’s termination and her safety and health complaints.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Petitioner’s application is denied.



Molly Doherty, Chairperson
New York, New York



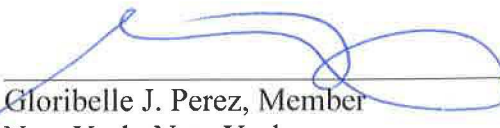
Patricia Kakalec, Member
New York, New York



Michael A. Arcuri, Member
Utica, New York



Najah Farley, Member
New York, New York



Gloribelle J. Perez, Member
New York, New York

Dated and signed by the Members
of the Industrial Board of Appeals
on January 29, 2020.

on account of facts or circumstance arising subsequent to a hearing or on account of consequences resulting from compliance with such determination, resolution, requirement or order, which are claimed to justify a reconsideration of the proceeding, the matters relied upon by the applicant shall be set forth fully."

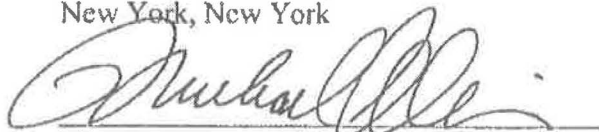
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The Board does, however, note that the Decision's Summary of Evidence may contain a factual error but finds that the possible error has no impact on the October 23, 2019 Decision. In the summary of petitioner's testimony and documentary evidence, the Decision states that petitioner's workers' compensation benefits "ended on March 21, 2013." Petitioner alleges in her motion for reconsideration that this fact is incorrect and that such benefits extended beyond March 21, 2013. Respondent does not refute this factual assertion in her opposition papers. The Board cannot determine on the evidence before it the date on which the workers' compensation benefits ended and, thus, with this motion for reconsideration decision, strikes this fact from the October 23, 2019 Decision. The Board does not disturb its findings as contained in the October 23, 2019 Decision based on this factual error because whether petitioner continued to receive workers' compensation payments beyond March 21, 2013 is irrelevant to the Board's finding that it was reasonable for respondent to determine that there was no causal connection between petitioner's termination and her safety and health complaints.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Petitioner's application is denied.

Molly Doherty, Chairperson
New York, New York



Michael A. Arcuri, Member
Utica, New York

Patricia Kakalec, Member
New York, New York

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