

The office of Alan M. Cass & Associates reversed a New York Workers' Compensation Law Judge's Decision denying a home health care workers right to New York Workers' Compensation Benefits.

In a Full Board Decision of 5/28/15 which reversed the Law Judge's finding that an incident that occurred in the course of the health aides employment was not work related since the home health aide was unable to give a specific history on how she injured her knee. Based upon the efforts of the office of Alan M. Cass & Associates the Full Board reversed the law judge indicating that under the presumptions of the Workers' Compensation Law, in New York, if an incident occurs at work there is a presumption that an injury was caused by a work event. The Full Board held that it was incumbent upon the insurance company to demonstrate that something not work related caused the home health aides injury to her right knee.

Based upon this decision the health care worker is entitled to full benefits under the New York Workers' Compensation Law. This would include medical care of a doctor of her own choosing and possibly an award for permanent damage to her knee.