

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: April 29, 2010

507082

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In the Matter of the Claim of  
ERICA WHITEMAN,  
Appellant,

v

RICHMOR AVIATION, INC., et al.,  
Respondents.

MEMORANDUM AND ORDER

WORKERS' COMPENSATION BOARD,  
Respondent.

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Calendar Date: March 23, 2010

Before: Peters, J.P., Lahtinen, Malone Jr., Stein and Garry, JJ.

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Buckley, Mendleson, Criscione & Quinn, P.C., Albany (James E. Buckley of counsel), for appellant.

Stockton, Barker & Mead, L.L.P., Albany (Leith Carole Ramsey of counsel), for Richmor Aviation, Inc. and another, respondents.

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Lahtinen, J.

Appeal from a decision of the Workers' Compensation Board, filed August 29, 2008, which ruled that the employer's workers' compensation carrier was entitled to offset its future compensation to claimant pursuant to Workers' Compensation Law § 29 (4).

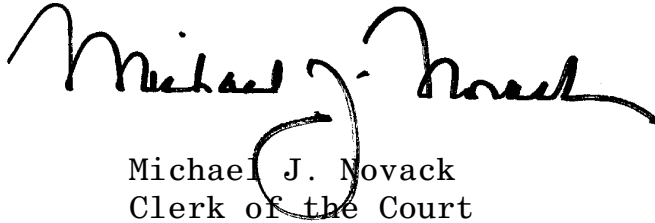
The current case arises from the same aircraft accident as in Matter of Hiser v Richmor Aviation, Inc. (\_\_\_ AD3d \_\_\_ [decided herewith]) and involves the identical issue. For the

reasons set forth in Hiser, we reverse and remit to the Workers' Compensation Board for further proceedings.

Peters, J.P., Malone Jr., Stein and Garry, JJ., concur.

ORDERED that the decision is reversed, without costs, and matter remitted to the Workers' Compensation Board for further proceedings not inconsistent with this Court's decision.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is written in a cursive style with a large, looping initial "M".

Michael J. Novack  
Clerk of the Court