

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

Decided and Entered: December 27, 2012

514209

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In the Matter of the Claim of  
SCOTT LIEBMAN,  
Claimant,  
v

NEW YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,  
Appellant.

MEMORANDUM AND ORDER

WORKERS' COMPENSATION BOARD,  
Respondent.

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Calendar Date: November 20, 2012

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

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Michael A. Cardozo, Corporation Counsel, New York City  
(Paul M. Zaragoza of counsel), for appellant.

Eric T. Schneiderman, Attorney General, New York City (Iris  
A. Steel of counsel), for Workers' Compensation Board,  
respondent.

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Lahtinen, J.

Appeal from a decision of the Workers' Compensation Board,  
filed June 10, 2011, which, among other things, directed the  
employer to reimburse an out-of-network service provider at the  
in-network payment rate.

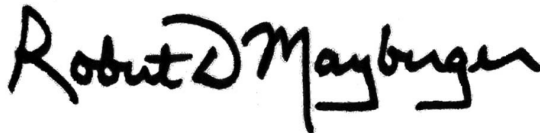
Claimant received diagnostic services from an out-of-  
network provider despite having been given ample notice from the  
self-insured employer to use its network provider. The employer

contended that, pursuant to Workers' Compensation Law § 13-a (7), it was not obligated to reimburse the out-of-network provider. The Workers' Compensation Board directed the employer to reimburse claimant's provider at the rate it would have paid for in-network services. The employer appeals. We affirm for the reasons set forth in our recent decision in Matter of Rivera (North Cent. Bronx Hosp.) (\_\_\_ AD3d \_\_\_, 2012 NY Slip Op 08600 [2012]), which addressed the same issue as is presented here.

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

ORDERED that the decision is affirmed, without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court