

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

Decided and Entered: April 22, 2021

530071

In the Matter of the Claim of
DUSAN CANADANOVIC,
Claimant,

v

CENTRAL ABSORPTION OF LIC,
INC.,
Appellant.

MEMORANDUM AND ORDER

WORKERS' COMPENSATION BOARD,
Respondent.

Calendar Date: November 16, 2020

Before: Garry, P.J., Lynch, Clark, Mulvey and
Reynolds Fitzgerald, JJ.

Schaefer Law Group, PC, Smithtown (Wayne J. Schaefer of
counsel), for appellant.

Letitia James, Attorney General, New York City (Donya
Fernandez of counsel), for respondent.

Garry, P.J.

Appeal from a decision of the Workers' Compensation Board,
filed February 5, 2019, which denied the employer's application
for reconsideration and/or full Board review.

After receiving an unfavorable October 2018 decision from
the Workers' Compensation Board, the employer applied for

reconsideration and/or full Board review. The employer appealed from a February 2019 decision denying that application. After oral argument, this Court received a December 15, 2020 Board resolution that accepted the case for full Board review and, upon due consideration, the full Board rescinded the October 2018 decision and referred the case to the Board panel for further consideration. Having received the full Board review that it was seeking, the employer is no longer aggrieved by the February 2019 decision. Accordingly, this appeal is moot (see Matter of Pendock v Matrix Communications Group, 148 AD3d 1505, 1506-1507 [2017]; Matter of Fabiano v Sears, 27 AD3d 884, 884 [2006]).

Lynch, Clark and Reynolds Fitzgerald, JJ., concur;
Mulvey, J., not taking part.

ORDERED that the appeal is dismissed, as moot, 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