

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

Decided and Entered: April 18, 2024

535730

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In the Matter of the Claim of  
JOSEPH BIRRO JR.,  
Appellant,

v

WOLKOW-BRAKER ROOFING  
CORP. at al.,  
Respondents.

DECISION AND ORDER  
ON MOTION

WORKERS' COMPENSATION  
BOARD,  
Respondent.

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Motion for reargument.

Upon the papers filed in support of the motion and the papers filed in response and in opposition thereto, it is

ORDERED that the motion is granted, without costs, the memorandum and order decided and entered November 16, 2023 (221 AD3d 1221 [2023]) is vacated, and the following memorandum and order is substituted therefor.

Clark, J.P., Aarons, Reynolds Fitzgerald, Fisher and McShan, JJ., concur.

ENTER:



Robert D. Mayberger  
Clerk of the Court