



## **EM Helps Buffalo Board of Education Save \$225,000+ on Workers' Compensation Claim**

When a teacher with the Buffalo Board of Education (BBOE) was assaulted and her car stolen by an unknown assailant, the case was initially denied based on it was not compensable under New York State Workers' Compensation Law. A Reserved Decision was subsequently filed by the Workers' Compensation Board stating the facts of the assault were not in dispute. BBOE and EM Risk acknowledged that the assault was a tragic incident, and full wages were afforded to the injured party by BBOE for her time out of work.

At issue was whether injuries sustained by the claimant as a result of the assault were compensable. EM adjusters partnered with defense firm Hamberger & Weiss to successfully argue that the injury had no nexus or connection to her employment, as the assault did not occur on school premises, but rather one-half block away on a public street. The Law Judge agreed, finding that the claimant did not sustain any injury arising out of and in the course of employment, and the claim was disallowed.

After reviewing the decision and appeal, a Memorandum of Board Panel Decision was filed. The Board Panel unanimously found that the law does not support a finding that the injuries sustained by the claimant arose out of or in the course of her employment as a teacher for the employer. Reserve Decision is affirmed, claim is disallowed.

The claimant's average weekly wage was \$1,526.59 which would have resulted in the maximum workers' compensation benefit of \$400 per week, even if the disability were classified as partial. The result? **Workers' Compensation claim cost savings for BBOE exceeded \$225,000!**