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

Decided and Entered: November 12, 2026 CV-25-0924

In the Matter of the Claim of
WADE MILES,
Appellant,
v

NEW YORK CITY TRANSIT AUTHORITY,
Respondent.

MEMORANDUM AND ORDER

WORKERS' COMPENSATION BOARD,
Respondent.

Calendar Date: October 19, 2026

Before: Pritzker, J.P., Ceresia, Fisher, Powers and Corcoran, JJ.

Schotter Millican, LLP, Brooklyn (*Geoffrey Schotter* of counsel), for appellant.

Weiss, Wexler & Wornow, PC, New York City (*J. Evan Perigoe* of counsel), for New York City Transit Authority, respondent.

Ceresia, J.

Appeal from a decision of the Workers' Compensation Board, filed June 2, 2025, which ruled that claimant did not sustain a causally related occupational disease to the right wrist and disallowed that part of his claim for workers' compensation benefits.

Claimant worked for the employer from 1994 to 2021, first as a train conductor but primarily as a construction flagger. He filed a claim for workers' compensation benefits in November 2023, alleging that he had developed conditions in both of his shoulders and wrists, as well as in his right knee, due to work-related repetitive movement and strain. Following further proceedings, a Workers' Compensation Law Judge established the claim for an occupational disease in claimant's shoulders, left wrist and right knee, but disallowed the claim insofar as it involved his right wrist. The Workers' Compensation Board affirmed. Claimant appeals, focusing upon the disallowance of the portion of his claim related to the right wrist.

We affirm. "To be entitled to workers' compensation benefits for an occupational disease, a claimant must establish a recognizable link between his or her condition and a distinctive feature of his or her occupation through the submission of competent medical evidence" (*Matter of Davis v Gia Quinto Masonry*, 248 AD3d 1575, 1575 [3d Dept 2026] [internal quotation marks and citations omitted]; *see Matter of Borrometi v Verizon*, 247 AD3d 1404, 1405 [3d Dept 2026], *lv denied* ___ NY3d ___ [Oct. 29, 2026]). The medical proof relied upon to demonstrate that link "must signify a probability of the underlying cause that is supported by a rational basis and not be based upon a general expression of possibility" (*Matter of Lichten v New York City Tr. Auth.*, 132 AD3d 1219, 1219 [3d Dept 2015]; *see Matter of Murad v Tri-State Groundwater Solutions, LLC*, 247 AD3d 1420, 1421 [3d Dept 2026]). The question of whether a medical condition constitutes an occupational disease presents a factual issue for the Board, the resolution of which will be upheld so long as it is supported by substantial evidence in the record, even if a different result could also be justified from the record (*see Matter of Davis v Gia Quinto Masonry*, 248 AD3d at 1576; *Matter of Borrometi v Verizon*, 247 AD3d at 1405).

Here, claimant's treating physicians, as well as one who examined him at the request of the self-insured employer, opined in relevant part that there was a causal relationship between his longstanding work duties as a construction flagger and his right wrist condition. Those physicians were unaware, however, that claimant had previously injured his right wrist at work in 1997 and experienced pain after that injury that had never abated. The Board was accordingly free to, and did, reject each of those medical opinions because "they were not based upon an understanding of . . . claimant's relevant medical treatment history" (*Matter of Yearwood v Long Is. Univ.*, 210 AD3d 1256, 1257 [3d Dept 2022]; *see Matter of Borrometi v Verizon*, 247 AD3d at 1406). In view of the resulting "dearth of credible medical proof" drawing a causal link between a distinctive feature of his work duties and his right wrist condition, substantial evidence supports the

Board's finding that claimant had not established an occupational injury to the right wrist (*Matter of Borrometi v Verizon*, 247 AD3d at 1406; *see Matter of Hill-Holley v Kings County Hosp.*, 227 AD3d 1327, 1328-1329 [3d Dept 2024]; *Matter of Yearwood v Long Is. Univ.*, 210 AD3d at 1258; *Matter of Barker v New York City Police Dept.*, 176 AD3d 1271, 1272 [3d Dept 2019], *lv denied* 35 NY3d 902 [2020]). Claimant's remaining contentions have been examined and lack merit.

Pritzker, J.P., Fisher, Powers and Corcoran, JJ., concur.

ORDERED that the decision is affirmed, without costs.

ENTER:



Robert D. Mayberger
Clerk of the Court