

Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: November 14, 2013

513372

AFFIRMED Board's ruling on a temp
rate due to late appeal by claimant.

In the Matter of the Claim of
MENSURA HINOVIC,
Appellant,

v

GREENSTAR COOPERATIVE MARKET
et al.,
Respondents.

MEMORANDUM AND ORDER

WORKERS' COMPENSATION BOARD,
Respondent.

Calendar Date: October 9, 2013

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

Mensura Hinovic, Ithaca, appellant pro se.

Gitto & Niefer, LLP, Binghamton (Jason M. Carlton of
counsel), for Greenstar Cooperative Market and another,
respondents.

Lahtinen, J.

Appeal from a decision of the Workers' Compensation Board,
filed August 29, 2011, which ruled that payment of workers'
compensation benefits to claimant continue at a tentative rate.

Claimant appeals from a decision of the Workers'
Compensation Board directing that she continue to receive
benefits at a tentative rate, reflecting that she suffers from a
partial disability, pending the outcome of efforts to reach a
settlement pursuant to Workers' Compensation Law § 32. She did

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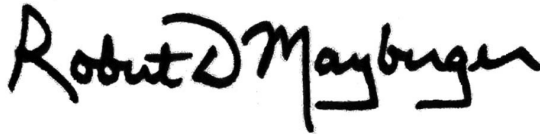
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not appeal from that decision, however, until almost two months after it was filed. In the absence of any indication that a lack of appropriate notice of the Board's decision caused that delay, claimant's appeal is untimely and must be dismissed (see Workers' Compensation Law § 23; Matter of McHugh v Daily Freeman, 61 AD3d 1127, 1128 [2009]; Matter of Stabak v ISS Intl., 248 AD2d 814, 814 [1998], lv dismissed and denied 92 NY2d 891 [1998]).

Rose, J.P., Garry and Egan Jr., JJ., concur.

ORDERED that the appeal is dismissed, without costs.

ENTER:



Robert D. Mayberger
Clerk of the Court