



**Workers'  
Compensation  
Board**

STATE OF NEW YORK  
WORKERS' COMPENSATION BOARD  
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(877) 632-4996

**State of New York - Workers' Compensation Board**

**In regard to Wendy Wagner, WCB Case #2770 9381**

**NOTICE OF DECISION**

*keep for your records*

At the Workers' Compensation hearing held on 07/18/2023 involving the claim of Wendy Wagner at the Hempstead hearing location, Judge Arif Khan made the following decision, findings and directions:

**DECISION:** Medical treatment and care, as necessary, for established sites of injury and/or conditions, is authorized. Treatment rendered to one of the body parts covered by the Medical Treatment Guidelines must be consistent with those Guidelines.

Claimant's request for a direction compelling the carrier to pay for medical treatment by a non-WCB coded medical doctor is denied. See Matter of Pilgrim Psychiatric Ctr., No. 2932 2191, 2001 WL 1026921 (N.Y. Work. Comp. Bd. Mar. 21, 2001).

Claimant's request for the WCB to issue a subpoena to Chubb for production of their entire case file in order to ascertain the existence of legal agreement between Chubb and the claimant is denied as not relevant to the issue of authorization of treatment by a non-WCB coded medical provider. Even if a written agreement existed, I would not have the jurisdiction to rule on the validity or to enforce any such agreement.

It is noted that Chubb does not dispute permitting the claimant in the past to treat with Dr. Mazurek, who did not participate in workers' compensation in NY, and explained it was an "accommodation extended to you [claimant] due to the difficulty you had in identifying a doctor 33 years ago and was honored by Chubb until Dr. Mazurek's retirement." See correspondence from Chubb dated 7/15/22 (EXHIBIT, DOC ID 4003400057). No further action is planned by the Board at this time.

Claimant - Wendy Wagner  
Social Security No. -  
WCB Case No. - 2770 9381  
Date of Accident - 03/10/1977  
District Office - NYC

Employer - Babley Publishing Corp  
Carrier - Federal Insurance Company  
Carrier ID No. - W080006  
Carrier Case No. - 011250770993WAGNER  
Date of Filing of this Decision - 07/21/2023

**ATENCION:**

Puede llamar a la oficina de la Junta de Compensacion Obrera, en su area correspondiente, cuyo numero de telefono aparece al principio de la pagina y pida informacion acerca de su reclamacion(caso).