

1 **Workers' Compensation Full Board Meeting Minutes.**

2
3 **Date:** Tuesday, November 18, 2025
4 **Location:** 328 State Street, Schenectady, NY
5 Room 324
6 Webcast Live

7 **Time:** 10:00 a.m.

8 **MEMBERS OF THE BOARD**

9 Freida D. Foster, Chair
10 Renee L. Delgado, Esq., Vice Chair
11 Robert Bergin
12 Peter De Jesús, Jr.
13 Martin M. Dilan
14 Steven A. Crain, Esq.
15 Clarissa M. Rodriguez, Esq.
16 Pamela Caggianelli
17 Maria Matos
18 Gloribelle Perez, Esq.
19 Gina Sillitti
20 Samuel G. Williams (Appeared remotely per Public Officers
21 Law § 103-a[2][c])
22 Mark Higgins

23 **SECRETARY TO THE BOARD**

24 Laura Inglis

GENERAL COUNSEL

 Quinn Rapp-Ellis, Esq.

ASSISTANT ATTORNEY

 Benjamin Jacobs, Esq.

GUEST SPEAKER

 Janet Draina, WCB Internal Control Officer/Interim Language
 Access Coordinator

1 FREIDA FOSTER: Good morning and welcome,
2 everyone. Thank you for joining us. I'm
3 Freida Foster, Chair of the New York State Workers'
4 Compensation Board. And today's Full Board meeting is
5 being broadcast live for the members of the public.
6 Welcome. It is also facilitated by an American Sign
7 Language interpreter. Thank you also for joining us.
8 I now have the honor of calling the 1,048th
9 meeting of the Full Board to order. Madam Secretary,
10 roll call.
11 LAURA INGLIS: Vice Chair Delgado.
12 RENEE DELGADO: Here.
13 LAURA INGLIS: Board Member Higgins.
14 MARK HIGGINS: Here.
15 LAURA INGLIS: Board Member Williams.
16 SAMUEL WILLIAMS: Here.
17 LAURA INGLIS: Board Member Crain.
18 STEVEN CRAIN: Here.
19 LAURA INGLIS: Board Member Rodriguez.
20 CLARISSA RODRIGUEZ: Here.
21 LAURA INGLIS: Board Member Caggianelli.
22 PAMELA CAGGIANELLI: Here.
23 LAURA INGLIS: Board Member Dilan.
24 MARTIN DILAN: Here.

1 LAURA INGLIS: Board Member Perez.
2 GLORIBELLE PEREZ: Here.
3 LAURA INGLIS: Board Member Bergin.
4 ROBERT BERGIN: Here.
5 LAURA INGLIS: Board Member De Jesús.
6 PETER DE JESÚS: Here.
7 LAURA INGLIS: Board Member Matos.
8 MARIA MATOS: Here.
9 LAURA INGLIS: Board Member Sillitti.
10 GINA SILLITTI: Here.
11 LAURA INGLIS: Madam Chair, Board Member
12 Williams is joining us remotely today.
13 FREIDA FOSTER: Thank you. All right.
14 Agenda Item 1. You've all received a copy of the
15 October 21st, 2025 meeting minutes to review. Are
16 there any questions or need for a discussion? Hearing
17 none, is there a motion to approve?
18 MARK HIGGINS: Yes, Madam Chair. Board
19 Member Mark Higgins. I move that we approve the
20 minutes --
21 FREIDA FOSTER: Thank you.
22 MARK HIGGINS: -- of the last meeting.
23 FREIDA FOSTER: Thank you, Board Member
24 Higgins. May I have a second?

1 CLARISSA RODRIGUEZ: I second that motion,
2 Madam Chair.

3 FREIDA FOSTER: Thank you, Board Member
4 Rodriguez. Is there any opposition? All in favor?

5 ALL: Aye.

6 FREIDA FOSTER: Any opposed? I'm also a
7 yes. That motion is passed. Next item on the agenda
8 is the Office of General Counsel Departmental Report.
9 General Counsel Quinn Rapp-Ellis will present that
10 report for us.

11 UNIDENTIFIED SPEAKER: Hello.

12 QUINN RAPP-ELLIS: Thank you. Good morning.
13 Thank you, Madam Chair, Madam Vice Chair, Board
14 Members. Following are the statistics for November
15 2025 for the three divisions in the Office of General
16 Counsel, sorry, actually, for October 2025. The
17 Adjudication Division held 18,088 hearings and
18 resolved 11,850 cases at hearing, issued 367 Reserve
19 Decisions, held 1,508 Pre-Hearing Conferences,
20 finalized 2,032 Waiver Agreements.

21 The Administrative Review Division received 997
22 applications for review, processed 1,197 applications,
23 and there are 8,072 applications for administrative
24 review pending.

1 Finally, the Legal Affairs Division received 119
2 applications for review and processed 75 applications.
3 There are 261 applications for review pending. Thank
4 you.

5 FREIDA FOSTER: Thank you. Thank you. Are
6 there any questions or a need for discussion? Hearing
7 none, may I have a motion to accept the Office of
8 General Counsel's Departmental Report?

9 PAMELA CAGGIANELLI: Madam Chair, this is
10 Board Member Caggianelli, and I request that we
11 approve the Office of General Counsel Departmental
12 Report.

13 FREIDA FOSTER: Thank you, Board Member
14 Caggianelli. Is there a second?

15 MARIA MATOS: Madam Chair, I'm Board Member
16 Matos, I -- I second.

17 FREIDA FOSTER: Thank you very much, Board
18 Member Matos. Is there any opposition? Hearing none,
19 all in favor?

20 ALL: Aye.

21 FREIDA FOSTER: Any opposed? I am also a
22 yes. That motion is passed. Agenda Item 3, License
23 Applications. Assistant Attorney Benjamin Jacobs will
24 now present those Licensing Applications. Good

1 morning.

2 BENJAMIN JACOBS: Good morning, Madam Chair
3 and Madam Vice Chair, Board Members and colleagues.
4 You have before you the recommendation from the
5 Assigned Board Panel regarding the Licensing
6 Applications listed in Part 3 of today's agenda.

7 Under Section 24-a, Mark R. Burman, a three-year
8 renewal. Under Section 50(3) -- 50(3-b) James P. --
9 James P. Regan Agency, Incorporated, qualifying
10 officer Michael Kudarauskas, Esquire, a three-year
11 renewal. Under Section 50(3-d), Cervus Claims
12 Solution, qualifying officer Anna Widger, Esquire,
13 three-year renewal, and the Mutual Group Insurance
14 Services, LLC, qualifying officer Matthew Mead,
15 Esquire, a one-year initial license. I present these
16 recommendations to the Board for your consideration.

17 FREIDA FOSTER: Thank you, Mr. Jacobs. Are
18 there any questions or need for discussion? Hearing
19 none, may I have a motion to accept the
20 recommendations?

21 STEVEN CRAIN: Board Member Crain, move to
22 accept the recommendation.

23 FREIDA FOSTER: Thank you, Board Member
24 Crain. Is there a second?

1 (Parties speaking simultaneously.)

2 PETER DE JESÚS: Board Member De Jesús, I
3 second.

4 FREIDA FOSTER: Thank you, Board Member
5 Perez. Is there any opposition? Hearing none, all in
6 favor?

7 ALL: Aye.

8 FREIDA FOSTER: Any opposed? I am also a
9 yes. That motion is passed. Next item on the agenda
10 is Legal Appeals. Our general counsel joins us once
11 again and will present the recommendations concerning
12 the decisions of the Board.

13 QUINN RAPP-ELLIS: Thank you, Madam Chair.
14 Since the last Board meeting, the Appellate Division
15 Third Department has issued four decisions on cases on
16 appeal from a decision of the Board. You can find
17 those decisions in Items 4A through 4D on your agenda.
18 It is the recommendation of the Office of General
19 Counsel that these decisions be adopted as decisions
20 of the Board.

21 FREIDA FOSTER: Thank you very much. May I
22 have a motion to accept the -- the recommendations of
23 the Office of General Counsel?

24 PETER DE JESÚS: Madam Chair, Board Member

1 De Jesús. I make a motion to accept.

2 FREIDA FOSTER: Thank you very much, Board
3 Member De Jesús. May I have a second?

4 PAMELA CAGGIANELLI: Madam Chair, this is
5 Board Member Caggianelli and I second that motion.

6 FREIDA FOSTER: Thank you, Board Member
7 Caggianelli. Is there any opposition? Hearing none,
8 all in favor?

9 ALL: Aye.

10 FREIDA FOSTER: Any opposed? I am also a
11 yes. That motion is passed. There are no items to
12 review. We'll go on to Item 5. And so now I turn
13 this portion over to Renee Delgado. Good morning.

14 RENEE DELGADO: Good morning. Thank you,
15 Madam Chair. For the case listed in Item 6A on your
16 agenda, it has been recommended that Full Board Review
17 be granted. That case is 6A, G3221502, Matter of
18 New York City Department of Corrections. I move to
19 refer Case 6A back to the respective Panel for further
20 consideration.

21 FREIDA FOSTER: Thank you, Vice Chair
22 Delgado. Is there a second?

23 MARTIN DILAN: Board Member Dilan, I second.

24 FREIDA FOSTER: Thank you, Board Member

1 Dilan. Does anyone need to be recused from this case?
2 Is there any opposition? Hearing none, all in favor?

3 ALL: Aye.

4 FREIDA FOSTER: Any opposed? I am also a
5 yes. That motion is passed. There is no other
6 business; however, on Agenda Item 8 we are -- have our
7 guest speaker. Our guest speaker today is
8 Janet Draina. Janet leads both the Board's Office of
9 Internal Control and the Office of Language Access
10 serving from the Schenectady office.

11 Janet began her career in State service in 2005
12 spending over 16 years with the Office of State -- of
13 the State Controller. She joined the Board as the
14 Internal Control Officer in 2022, and in this role
15 uniquely supports all 46 plus units working to promote
16 effectively and efficiently of operations ensuring
17 compliance with applicable laws and regulations and
18 encouraging adherence to critical policies and
19 procedures.

20 Janet began serving as Interim Language Access
21 Coordinator in 2024 and works with the Office of
22 General Services to ensure Board compliance with the
23 requirements of the law. In addition, Janet also
24 confirms Board's compliance with Project Sunlight and

1 manages a staff of three. Welcome, Janet.

2 JANET DRAIN: Thank you so much, Madam
3 Chair. So I'm sure that my voice is going to betray
4 me with the nerves, but I am super excited to be able
5 to be here and talk to you guys.

6 As you mentioned, I always refer to my team as a
7 small but mighty team of three, because we're a very
8 small team but we get a lot done. We're part of the
9 offered -- Office of Intergovernmental and Regulatory
10 Services led by Juanita Perez, who's joining me today.
11 Let me make sure I can -- all right.

12 So today I'm presenting specific to the Language
13 Access portion of what my team does. First, I'm going
14 to give you an overview of what Language Access is in
15 case you're unfamiliar. And then I'm going to talk to
16 you a little bit about the improvements that we've
17 made and where we see ourselves going in the future.

18 So what is Language Access? So I didn't know
19 until I started fulfilling this role that New Yorkers
20 speak more than 800 languages. To me that was a
21 staggering number. Millions of New Yorkers don't
22 speak English as their primary language and have
23 limited ability to read, write, speak and understand
24 it. So Language Access services provides access to

1 interpretation or translation in someone's preferred
2 language. And that takes the form of over-the-phone
3 or video remote or even in-person interpretation,
4 written translation, American Sign Language or ASL
5 interpretation, closed captioning and subtitling. And
6 there's actually even more than that.

7 Who benefits from Language Access services? So
8 many. Our injured workers obviously, but even
9 New York State employers and employees, and it touches
10 most of the work units here at the Board.

11 Why do we provide these services? So it'd be
12 really easy for me to say, well, it's the law and be
13 done. It is the law. I have cited the law there for
14 you, and it requires executive state agencies that
15 provide direct public service to provide
16 interpretation in any language upon request and
17 written translation in the top 12 common non-English
18 languages all at no cost to the user.

19 But my team doesn't look at it from that vantage
20 point. The way we look at it is that we help by
21 providing services related to Language Access that
22 will eliminate the barriers that many individuals
23 would face in trying to navigate the
24 Workers' Compensation system without it.

1 So how do we provide Language Access? If I move,
2 is that okay? All right.

3 LAURA INGLIS: Be careful --

4 JANET DRAIN: So a lot of you --

5 LAURA INGLIS: -- touching the screen
6 though.

7 JANET DRAIN: I won't touch the screen, I
8 promise. So a lot of you have probably seen it and
9 maybe never even noticed. On the Board website you'll
10 notice at the bottom of each page you have this little
11 navbar. If you click on any of those, it'll translate
12 whatever page you're viewing into that language.

13 Also, we're required to translate vital
14 documents, the forms and documents that are most
15 important in the Workers' Compensation system. And
16 you'll see a similar navbar when you go on our forms
17 page. And if you click on any of those links, it'll
18 bring up the form in your translated, preferred
19 language.

20 Speaking of forms, our Employee Claim Form, the
21 C-3, which is probably one of the most important forms
22 or documents that a claimant may touch, you'll see
23 right here in Number 7, when you need a translator, if
24 you have to attend a Board hearing, and then you can

1 say, if yes, for what language.

2 Once that's documented, in addition to getting
3 the interpretation that they need when they need it at
4 a hearing, should one come about, we can also leverage
5 that information. It's included in the claimant's
6 case file. So a claims examiner can go ahead and
7 translate documents to and from English on behalf of
8 that claimant if it's needed. Call center
9 representatives and advocate office staff know that
10 they'll have to have a phone interpreter on the line
11 if they need to make contact with one -- one of our
12 claimants. And a lot of the internal staff leverage
13 the use of our services once they see that that's
14 included in a case file.

15 So now that I've given you the Cliff Notes
16 version of what Language Access is, I'd like to tell
17 you a little bit about what we've done thus far since
18 Language Access came under my purview, what we're
19 working on right now and where we see ourselves headed
20 in the future.

21 When Language Access first came under my purview,
22 the -- one of the things that I saw right away that
23 there was -- there was a gap between the data that we
24 have and the ability to see and analyze it. So we

1 collect a lot in our internal systems. My team
2 collects a lot of documentation in terms of what we do
3 day to day, but it was just sitting on a shelf
4 somewhere and not being used. So we immediately
5 engaged with our data management and analytics unit
6 and asked them for help in how we could use this data
7 to our advantage, and they suggested an
8 easy-to-interpret dashboard.

9 So this dashboard now allows us to display and
10 analyze the information that we collect every day.
11 Again, some of it is from our internal systems and
12 some of it is manual data that my team collects in our
13 day-to-day business. This has enabled us to in --
14 in -- improve our requests for quotations when we
15 solicit for vendors to bid if they want to do business
16 with us. It's allowed us to justify changes to
17 contract rankings if someone's not pulling their
18 weight. And it also has allowed us to take a critical
19 eye to our internal processes and make some amends to
20 those if we feel that there's a better way for us to
21 do business.

22 Also, a little fun fact, or as the teenagers say,
23 I think they'd say a humble brag. I was presenting at
24 a Language Access Coordinators quarterly meeting and

1 mentioned that we had created a dashboard. And they
2 were, like, oh, we want to make one of those. Can we
3 come talk to you? So we actually got on a call with
4 the statewide Language Access Office at OGS and some
5 of the -- their data analysts with the -- the DMA
6 team, and we talked them through what we've been
7 doing, and they're -- they're going to be modeling
8 quite a bit of that for their own dashboards.

9 UNIDENTIFIED SPEAKER: And your (inaudible).

10 JANET DRAIN: So here is a -- a glimpse of
11 the dashboard. And I know this is really small, I'm
12 sorry. This is looking at hearings with interpreters
13 versus hearings without interpreters for the last 24
14 months. Each of these bars represents one month. If
15 you look at just the past month, this is October, and
16 I know it's hidden a little bit, there were 21,362
17 hearings, 4,222 of which required an interpreter.
18 That's consistent across all 24 months of an average
19 of about 20 percent of our hearings require
20 interpretation, which again, was a stunning figure to
21 me when I first became involved in Language Access.

22 Another slide taken from our dashboard. This
23 tells you where the interpretation is taking place by
24 district. So if you look here, we have Queens,

1 Manhattan, Brooklyn, Long Island. If you look, they
2 take up the majority of the pie; 90 percent, 90
3 percent of our hearings with interpreters come out of
4 our downstate districts. So when we saw that, we knew
5 that that sheer magnitude had to be considered moving
6 forward.

7 So in early 2 -- 2025, we decided that we were
8 going to repeat the over-the-phone interpretation RFQ,
9 because we knew that by this point by collecting all
10 the data and analyzing what we collected, we would be
11 able to build a more robust RFQ with more mandatory
12 requirements, more preferred elements, and we knew
13 that we could get a better package this way.

14 We worked with Contracts and Adjudication, since
15 they're really our power user in terms of
16 over-the-phone interpretation. We had eight vendors
17 respond and we knew that Adjudication can really only
18 get through three in a case and that's pushing it. So
19 that allowed us to say, all right, we're going to take
20 the top five and we can eliminate the three that we
21 can see right off the rip are not going to meet our
22 needs.

23 In order to take the burden off of any one
24 contractor, that's when we decided to take that

1 magnitude of the 90 percent into consideration.
2 Rather than award one primary, we awarded two. And
3 the way that we worked it is we knew that we couldn't
4 just divide the state in half and say, upstate use
5 this, downstate use that, because the majority of the
6 usage is from downstate. So we found by looking at it
7 from a little bit of a simpler lens that if we just
8 divided it in half alphabetically, that would put two
9 of our downstate districts in A through M and the
10 other two at the end of it.

11 So what -- what we did is we divided it
12 alphabetically and we had half of the districts using
13 one primary, half using the other. What I am even
14 happier to report is that it's working. So this is
15 our deficiencies reported in 2025. Now, to -- to us a
16 deficiency is any issue with service. That would be a
17 disconnection on the phone, poor interpretation
18 quality, if someone has to wait an inordinate amount
19 of time to get an interpreter on the line.

20 So this was from February. This was when we were
21 still operating under the 2024 contracts. And you can
22 see the percentage deficiencies, 72 percent deficient,
23 13, 8, 5, 2. Not too bad when you get down towards
24 the bottom of that, 72 and that 13, that's pretty

1 egregious.

2 So this is September. Now, this September, if
3 you look, there is not a percent deficiency above
4 3 percent. All of our -- of our interpretations fell
5 somewhere in between 100 percent and 70 -- 97 percent,
6 right on the money. We didn't have a lot of issues
7 reported and so we can see that this approach to divvy
8 up the workload is really helping.

9 We also expanded the pre-scheduling process to
10 better meet adjudicator needs. So the statewide
11 calendaring unit maintains a list of languages that we
12 have had issues getting an on-demand interpreter for
13 in the past and they pre-schedule an interpreter for
14 our hearings if we know that one is going to be
15 needed. So we know that they're right on the line
16 when the claimant dials in.

17 But there -- they have strict parameters that
18 they operate within. And there were outlier issues,
19 like where, you know, there was one particular case
20 where normally we'd be able to get an interpreter on
21 the line very easily, but they've had issues. The
22 case had to be continued, which is always our last
23 ditch. We do not want that to happen by any means.
24 And even unique circumstances.

1 So as an example last month we actually had a
2 case where a claimant spoke one language and a witness
3 that would be providing testimony spoke another
4 language. Now that we have this relationship up --
5 ship up -- set up with Adjudication, they know that
6 they can call us any time that they want to schedule
7 an interpretation in advance. So we have it set up
8 well in advance of the hearing so that when they
9 called in and provided the number to the operator,
10 they had both interpreters on the line at the same
11 time and it went off flawlessly. So just little --
12 little factors like that where reaching out and really
13 trying to collaborate has really become successful for
14 us.

15 As you may or may not know, I did not before I
16 started doing this, when a limited English proficiency
17 individual is in a hearing and an interpreter is on
18 the line, they only interpret when the judge is
19 speaking to the claimant and when the claimant is
20 speaking to judge. And while that's great, it
21 bothered me.

22 So I was doing a lot of digging. I knew that our
23 Virtual Hearing Center was within the WebEx platform.
24 And I started to -- doing some digging and found that

1 there is a WebEx translation license where when you
2 enter into WebEx, right as you log on there's a
3 drop-down with 100 different languages that you can
4 select from. And when you select the language, it
5 then uses closed captioning and captions in realtime
6 everything that is said. Now, it's AI intelligence,
7 so granted, there's probably going to be some bumps in
8 the road.

9 That being said, this translation does not
10 replace an over-the-phone interpreter for court
11 records, so that person will still be there. But in
12 having this closed captioning on the screen, isn't it
13 wonderful for a claimant or someone participating in
14 one of these hearings to have a better grasp of what's
15 going on in the whole meeting and not just when
16 they're being spoken to.

17 So we selected five judges that have the highest
18 LEP individual caseload, and those five judges are
19 going to be piloting this WebEx translation license,
20 and we're going to see what people think and whether
21 it gets used. And we're also hoping that it'll help
22 push people to attending more cases virtually.

23 So this is a slide showing claimant attendance
24 types. I'm going to take this in case I can't see my

1 figures. So this, again, fairly consistent. It's
2 gotten better. But these little 11 percents in the
3 past four months, that's how many people attended
4 virtually versus how many people attended by phone.
5 So we're finding that way more claimants will just
6 call in on the phone line instead of actually
7 appearing on camera and interacting virtually. We're
8 hoping that perhaps having these licenses in place
9 where you have to be able to look at the screen in
10 order to see the captioning may actually be a twofold
11 benefit.

12 Our vision for the future. So again, we're
13 really hopeful that this will help effect a push
14 towards virtual hearings. Additionally, we've --
15 we've really started overhauling our documentation and
16 the resources that we provide. We hope to continue to
17 do that and we'd really like to expand our footprint
18 on the website because we think that the information
19 that we have is really important and helpful. We also
20 hope to continue to leverage data analysis to improve
21 our internal processes in addition to that holding the
22 contractors accountable.

23 Every day my team strives to provide the best
24 service to New Yorkers in the smoothest manner

1 possible by working together with the other Board
2 units. Our efforts are at the core of the Board's
3 mission; protecting the rights of employees, ensuring
4 delivery of benefits and supporting compliance.

5 Again, I really appreciate you having me today so
6 that I could share the important work my team is doing
7 for the citizens of the State of New York. If you
8 have any questions at this time, I welcome them. But
9 even after I leave this room, if you think of
10 something or just want to learn more about the
11 process, please don't hesitate to reach out because
12 we'd love to be able to talk about what we do.

13 FREIDA FOSTER: Thank you, Draina, for
14 joining us.

15 JANET DRAIN: Thank you.

16 UNIDENTIFIED SPEAKER: That's really great.
17 Thank you.

18 FREIDA FOSTER: All right. May I have a
19 motion to adjourn.

20 PAMELA CAGGIANELLI: Madam Chair, this is
21 Board Member Caggianelli and I make a motion to
22 adjourn.

23 FREIDA FOSTER: Thank you.

24 MARK HIGGINS: I second the motion.

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FREIDA FOSTER: Thank you. All in favor?

ALL: Aye.

FREIDA FOSTER: Any opposed? I am also a
yes. That motion is passed. Thank you so much.

WHEREUPON, THE MEETING WAS ADJOURNED.