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Corp., Risk Mgmt.

MEMORANDUM

TO: Kevin M. Reilly

FROM: Ted Spencer

DATE: September 16, 1982

RE: v. New Primex Realty Associates
v. The Sherwin-Williams Company

REDACTED

ISSUE: Collateral estoppel effect of Workers' Compensation Board finding that plaintiff's injury arose in and out of the course of her employment.

It is well-settled law that the principles of res judicata and collateral estoppel are applicable to the determinations of quasi-judicial administrative agencies and that such determinations, when final, become conclusive and binding on the Courts. Bernstein v. Wathen School, 71 AD2d 129, aff'd. 51 NY 932 , Ogino v. Black, 304 NY 872; Drier v. Randforce Amusement Corp., 14 Misc. 2d 362, aff'd. 14 AD2d 772.

The leading case on the applicability of collateral estoppel in New York is Schwartz v. Public Administrator, 24 NY2d 65. The Court of Appeals in that case stated that "New York Law has now reached the point where there are but two necessary requirements for the invocation of the doctrine of collateral estoppel. There must be an identity of issue which has necessarily been decided in the prior action and is decisive of the present action, and, second, there must

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