

NYSIA 2017 ANNUAL MEETING

SPEAKER BIOS



David L. Kamelhar, M.D., FACP, FCCP, has been practicing clinical pulmonary medicine in New York City since 1980. He is Clinical Professor of Medicine at NYU School of Medicine, Division of Pulmonary and Critical Care Medicine, where he is involved in teaching and clinical research as well as patient care. He has evaluated patients with asbestos-related lung disease, complications of World Trade Center first responder exposure, diacetyl inhalation and many other occupational and environmental exposures. He has written expert opinions, peer reviews and has been an invited lecturer for the New York City Law Department, Special Funds and other organizations regarding principles and practices of expert witness examination and reports as well as details of specific inhalational diseases.



Michael Merlino II, Esq. is the Senior Vice President of Medicare Compliance and Structured Settlements for Sedgwick. Michael is responsible for planning and leading a Medicare compliance department to assist Sedgwick clients whose workers' compensation, general liability, and professional liability claims involve personal injury matters with potential Medicare compliance components. He also oversees Sedgwick's Medicare (MMSEA/SCHIP) reporting team as well; ensuring that Sedgwick is fully compliant with this portion of Medicare compliance. As president of Galaher Settlements, he is also responsible for Sedgwick's structure broker company.

As a licensed attorney he is also experienced in workers' compensation and general liability defense work. He brings years of experience in dealing with Medicare compliance issues from his private law practice. Also a nationally published author on Medicare compliance and MSA agreements, Michael has addressed large and small business organizations and state bar associations on these subjects. Education: University of Buffalo, BA (political Science/History)



Kenneth J. Munnelly was appointed Chair of the NYS Workers' Compensation Board by Governor Cuomo in June 2016. He graduated from SUNY Binghamton with a B.A. in economics, received his MPA from the Rockefeller School of Public Affairs and received his J.D from Albany Law School. Mr. Munnelly has been with the Board since 2008, first as General Counsel for five years leading a staff of 150 attorneys in three divisions: Adjudication, Administrative Review and Legal Affairs. In 2013 he was appointed as a member of the Board and in 2015, designated Vice Chair. Prior to joining the Board, Mr. Munnelly worked in the NYS Assembly for twenty-one legislative sessions; served as First Deputy AG in the NYS Attorney General's Office; was an elected Town Justice; and was a partner in a private law firm.



John Sweeney is currently the Chief of the Workers' Compensation Division of the New York City Law Department. The Division has nearly one hundred employees and administers and average of 15,000 new workers' compensation claims each year. He joined the Law Department in 1989 as an Assistant Corporation Counsel and subsequently served as Deputy Division Chief from 1994 until 2002. He is a lifelong resident of New York City and a 1988 graduate of New York Law School. Prior to attending law school, he received both Bachelors (Organ performance) and Masters (Music Theory) Degrees from the Manhattan School of Music. He is also the Co-Editor (together with Steven M. Scotti) of Workers' Compensation Law and Practice in New York, published by the New York State Bar Association in 2011.

Mr. Sweeney is a member of the New York City Bar Association where he has served on its Committees on Insurance Law and Health Law. He is a member of the New York County Lawyers' Association, where he has served on its Workers' Compensation Committee. He currently serves as a member of the Board of the New York Claim Association and was its President from 2007-2008. He is a member of the Board of the New York Self-insurers Association and served as its Chairman from 2009-2010. He has been appointed by the Chairman of the NYS Workers' Compensation Board to be a member of the NYS Advisory Committee on Individual Self Insurance. Since 1999, he has been a lecturer in the New York City Law Department's Continuing Legal Education Program. In 2015, he received the Jeffrey D. Friedlander Excellence in Management and Supervision Award from the New York City Law Department. He has performed pro bono work since 1996 as a volunteer arbitrator in the Small Claims Part of the New York City Civil Court.



Paul Zaragoza, Esq., received his undergraduate degree from American University in Washington, D.C., and his Juris Doctorate from the Maurice A. Deane School of Law at Hofstra University. Upon graduation, Mr. Zaragoza joined the New York City Law Department as an Assistant Corporation Counsel in the Workers' Compensation Division, where he was awarded Legal Rookie of the Year. Appointed Senior Counsel in 2014, Mr. Zaragoza is responsible for all aspects of litigation and continues to handle a complex caseload before the Workers' Compensation Board, as well as associated matters in Arbitration, Small Claims Court, Supreme Court, and the Appellate Division.



Annette Malpica is Associate Counsel at Consolidated Edison Company of New York, Inc. where she manages the Company's workers' compensation program. She began practicing workers' compensation law as a Medico-Legal Analyst at the New York City Law Department's Workers' Compensation Division. She held positions as the Deputy Director, Director of Claims Administration and Senior Counsel prior to joining Con Edison in 2003. Ms. Malpica is a Board Manager to the New York Self-Insurers Association. She also served as the President and Special Counsel to the New York Claim Association, where she is currently the Executive Director. Ms. Malpica received a Bachelor of Science in Nursing from Rutgers' University and Juris Doctorate from New York Law School.



Beth Toth is Senior Director for Marriott International, Inc., where she currently manages the Marriott Claims Services – Washington, DC Region responsible for handling Workers' Compensation, Auto and General Liability claims in seven states, including New York. Ms. Toth has been with Marriott for 27 years in the Risk Management / Casualty Claims organization. Prior to joining Marriott, she worked as a Claims Adjuster for The PMA Group in Richmond, VA. Ms. Toth graduated with honors from The University of Richmond and also holds her AIC designation from The Insurance Institute of America. She is currently a member of the Board of Managers of the New York Self-Insurers Association, and also serves on the Maryland Chamber of Commerce Workers' Compensation Advisory Committee.



Daniel Bowers is a partner in the Buffalo, New York law office of Hamberger & Weiss, the New York State member of The National Workers' Compensation Defense Network. Hamberger & Weiss limits its practice to the representation of insurance carriers and self-insured employers in workers' compensation claims, W.C.L. Section 120 discrimination claims and Loss Transfer arbitrations; representation of municipalities in line of duty injury claims by police and firefighters under Section 207 of the General Municipal Law. He graduated cum laude with a B.A. degree in Political Science from the State University of New York at Buffalo in 1990 and graduated cum laude with a J.D. degree from Albany Law School of Union University in 1993.

Mr. Bowers focuses his practice on workers' compensation. He has extensive experience in defending complex litigation in workers' compensation cases including, but not limited to, Section 114-a fraud, asbestos litigation, complex coverage issues, un-insured employer fund cases and oral argument before the Workers' Compensation Board Panel. He has handled hundreds of trials at the Workers' Compensation Board, including lay witness testimony, medical testimony, expert testimony and testimony of investigators on issues of accident, notice, causal relationship, period and extent of disability, entitlement to ongoing workers' compensation benefits and fraud. He is a frequent author and presenter on topics including the interplay of workers' compensation and third party actions including issues of consent, lien, offset, and the applicability of Burns v. Varriale, 9 N.Y.3d 207 (2007), rocket docket litigation, loss of wage earning capacity determinations and loss transfer arbitration. He has presented on a variety of topics at continuing legal education classes.

Mr. Bowers is a member of the New York Self-Insurers Association, the Bar Associations of Erie County and New York State and the Buffalo Claims Association. He is the recruiting partner for the Buffalo office and interviews prospective law student/law clerks and associate attorneys. He supervises and mentors all summer law clerks and new associates. He has extensive involvement in the preparation of Medicare set asides and submissions to the Centers for Medicaid and Medicare Services for pre-settlement approval as well as preparation of Section 32 settlement agreements.



Christina M. Hassler, Esq. is the managing partner of Habberfield Hassler llp. She has worked as a defense attorney for over 15 years focusing her practice on the area of New York State Workers' Compensation and Insurance Defense. She has worn many hats in these fields of practice coming from a small firm whose concentration was solely on Workers' Compensation defense in Buffalo, to managing the legal department of the largest New York State Workers' Compensation Insurance Company, to assisting in the creation of a multi-practice firm operating statewide.

Prior to starting Habberfield Hassler, she was one of the lead in-house counsel at Travelers Insurance Company. As the key contact for developing strategies to engage the claims, home office, investigative unit, and the subrogation department, Ms. Hassler developed strong defense strategies and maintained relationships with insureds. She was responsible for interaction and file reviews with insureds, representing the image and goals of the company and was responsible for determining whether cases were taken to the Appellate Division alongside the Vice President Line Managers statewide. Now at Habberfield Hassler, llp, she manages a varying caseload and incorporates her experience to reach successful results and verdicts for their clients.

EDUCATION

B.S., Political Science SUNY College at Buffalo
J.D., Thomas M. Cooley Law School

ADMISSIONS

New York State Supreme Court
United States District Court, Western District of New York



Renee E. Heitger is a partner in the law firm of Hamberger & Weiss, with offices located in Buffalo and Rochester, New York. Hamberger & Weiss is the New York State member of The National Workers' Compensation Defense Network and limits its practice to the representation of insurance carriers and self-insured employers in workers' compensation claims, W.C.L. Section 120 discrimination claims and Loss Transfer arbitrations; representation of municipalities in line of duty injury claims by police and firefighters under Section 207 of the General Municipal Law. Renee holds a B.A. degree from Miami University of Ohio and a J.D. degree from the University of Toledo College of Law. She has extensive experience in handling all aspects of the defense of a workers' compensation matter, including development of defenses for controverted claims, interview of witnesses, preparation of Notices of Controversy, preparation of Pre-Hearing Conference Statements, making claims' recommendations, and handling hearings, trials and depositions. Ms. Heitger's experience also includes legal research and preparing Memoranda of Law, Applications for Board Review, Rebuttals to Applications for Board Review. Additionally, she has extensive experience in appellate work with the filing of Appellant Briefs, Respondent Briefs and oral arguments at the Appellate Division, Third Department. She is a frequent speaker at seminars across the state pertaining to workers' compensation matters, and recently authored the Medical Treatment Guidelines Chapter of the New York State Bar Association publication on *Workers' Compensation Law and Practice in New York*. Ms. Heitger is a member of the New York State Bar Association, Erie County Bar Association, and the Workers' Compensation Committee of the Erie County Bar Association.



Jeanne A. Battaglia, MS, CRC, is the President/Vocational Expert of Managed Care Network, Inc. since 1995. She oversees day-to-day operations of this medical and vocational case management company specializing in Workers' Compensation, Auto and Disability Insurances as well as government work, specifically disabled veterans. Oversees Vocational Specialists, Nurse Case Management, Pharmacy Case Management, Provider Bill Fee Scheduling, and Bill Negotiations. She is directly involved with hundreds Loss of Wage Earning Capacity reports for all regions of New York State specifically for NYS Workers Compensation with the 2007 Reform working with defense counsel. Ms. Battaglia is a presenter at several local and State conferences on the issue of Loss of Wage Earning Capacity and the New York State 2012 Workers Compensation Impairment Guidelines along with attachment to the labor market, a guest lecturer at the SUNY at Buffalo in the graduate level Rehabilitation Counseling program and participated in the NYS WCB Pilot Programs of the Medical treatment Guidelines and the NYS WCB Injured Worker Committee on the 2007 Reform.

Education

State University of New York at Buffalo, Buffalo, New York, Degree: 1995

Masters Degree: Rehabilitation Counseling

Alfred University, Alfred, New York, Degree: 1990

Bachelors of Science: Business Administration / Health Care Planning Management

Certified Rehabilitation Counselor, CRC#: 33066, United States Department of Labor, Office of Workers' Compensation Program, CRC#: 227-2



Gina Marie Cano is a senior partner at Vecchione, Vecchione, Connors and Cano, LLP, a leading defense firm in the New York Workers' Compensation industry. Ms. Cano received her Bachelor's of Arts in Criminal Justice from St. John's University. She graduated Cum Laude and was a member of the Golden Key Honor Society.

Ms. Cano went on to attend Maurice A. Deane School of Law at Hofstra University. During her law school career, Ms. Cano began interning at what was then Vecchione, Vecchione & Connors, LLP. She learned about the intricacies of the Workers' Compensation Law in New York from the ground up. Upon being admitted to the bar in 2005, Ms. Cano was offered an associate position at Vecchione, Vecchione & Connors, LLP. Since then, the firm has continued to grow and Ms. Cano has been an essential part of this development.

In the past 11 years that she has been practicing, Ms. Cano has been successful in having a noteworthy amount of Workers' Compensation claims disallowed, as well as findings of fraud under Section 114-a implemented. She is known by her colleagues as not only being a strong advocate for her clients in the hearing room, but also a reasonable mind with an ample understanding of the law.

Ms. Cano delivers presentations and seminars to insurance carriers regarding issues of fraud, loss of wage earning capacity, the 2012 Medical Treatment and Impairment Guidelines as well as the 2014 Non-Acute Pain Guidelines. She is also a member of the New York State Workers' Compensation Bar Association. In April of 2016, Ms. Cano became a named partner in the firm she helped to grow and thrived in.