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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1311-25

LANDA SPINE CENTER,

Petitioner-Appellant,

v.

POSILLICO,

Respondent-Respondent.

Submitted September 29, 2026 – Decided November 2, 2026

Before Judges Gilson and Paganelli.

On appeal from the Division of Workers' Compensation, Department of Labor and Workforce Development, Claim Petition No. 2021-3223.

Massood & McCluskey, LLC, attorneys for appellant (Joseph A. Massood, on the briefs).

Goldberg Segalla LLP, attorneys for respondent (Brian J. Gilligan, on the brief).

PER CURIAM

Landa Spine Center (Landa) appeals from an order entered by a judge of compensation that dismissed its medical provider application (MPA) for lack of subject matter jurisdiction. Landa had filed the application with the New Jersey Department of Labor and Workforce Development Division of Workers' Compensation (the Division) concerning medical services provided to an employee who had been working in New York and was injured in that state. The judge of compensation found that although the injured employee lived in New Jersey, all the work he did for his employer was conducted in New York, and the employee had filed a workers' compensation claim with the New York Workers' Compensation Board (the New York Board). Because those factual findings are supported by substantial credible evidence, and because we discern no legal error, we affirm the order of dismissal with a modification. We remand with direction that the judge of compensation enter an order dismissing Landa's MPA without prejudice so Landa can file its MPA with the New York Board.

I.

We discern the facts from the record on the motion to dismiss. We note that the judge of compensation made findings on the material facts, and Landa and the employer, Posillico, agreed that the material facts were not in dispute.

The medical services at issue were provided to Dominic Valinotti related to workplace injuries he suffered in September 2016. At that time, Valinotti lived in Matawan, New Jersey, but worked in New York. Valinotti was a member of a union that operated out of New York. In September 2016, he was working for Posillico installing pipes in a building in Bronx, New York. On September 23, 2016, Valinotti was hurt when a pipe struck his leg, causing injuries to his leg, ankles, knees, and lower back.

Three days after the accident, Valinotti filed a workers' compensation claim with the New York Board. Thereafter, Valinotti received various medical treatments for his workplace injuries, including spinal fusion surgery. The spinal fusion surgery was conducted in March 2018, at a hospital in Livingston, New Jersey. Dr. Joshua Landa, with Landa, performed the surgery. Landa is located in New Jersey.

Landa maintains that Starr Indemnity and Liability (Starr), which was Posillico's workers' compensation insurer, approved the surgery before it was performed. In that regard, Landa asserts Starr determined that Valinotti's spinal injuries were work-related and the surgery was medically necessary.

Shortly after the surgery was performed, Landa submitted a bill for $203,000 to Starr for the spinal surgery it had performed. Starr paid Landa

$4,197.40. According to Landa, Starr did not explain why it only reimbursed that amount.

In February 2021, Landa filed an MPA with the Division, seeking additional reimbursement for the surgery. Posillico moved to dismiss the MPA for lack of subject matter jurisdiction. In support of its motion, Posillico submitted a certification from Frank Franzini, who was its vice president of insurance and claims. Franzini certified that (1) Valinotti was a member of a New York union and had been hired by Posillico in New York; (2) Valinotti only worked for Posillico in New York and, while Posillico did conduct limited work in New Jersey, Valinotti did not perform any work for Posillico in New Jersey; and (3) Posillico and Valinotti did not have any contracts that expressly adopted or stated that New Jersey Workers' Compensation law would govern Valinotti's workplace injuries. Landa did not dispute those facts.

The compensation judge heard arguments on the motion to dismiss on November 18, 2025. That same day, the judge entered an order granting the motion and explained the reasons for his decision on the record. Relying on the certifications submitted in support of and in opposition of the motion, the compensation judge found (1) Valinotti was a resident of New Jersey; (2) Valinotti was employed by Posillico in New York and was injured while

working in New York; (3) Landa is a medical provider located in New Jersey; and (4) Landa provided medical services to Valinotti in March 2018 in New Jersey.

The compensation judge then analyzed the law and reasoned that six factors guided the assessment of whether a particular state's workers' compensation act applied to a claim. In that regard, the compensation judge analyzed our decision in Marconi v. United Airlines, 460 N.J. Super. 330, 335 (App. Div. 2019), and our citation to six factors identified by Lex K. Larson, a noted commentator on workers' compensation laws. In analyzing the six Larson factors, the compensation court found that most of those factors supported the determination that the Division did not have subject matter jurisdiction to consider Landa's MPA. The judge also noted that the MPA could be filed with the New York Board.

II.

Landa now appeals from the November 18, 2025 order of dismissal. It makes five arguments, contending that (1) the Division has subject matter jurisdiction to determine a claim for reasonable reimbursement for work-related injuries provided to a New Jersey resident in New Jersey; (2) the New Jersey Legislature did not restrict or limit jurisdiction of a medical provider's

application for reimbursement; (3) New Jersey does not relinquish jurisdiction because the injured employee filed a claim in New York; (4) denial of jurisdiction will allow the medical provider to pursue a claim for reimbursement against the employee, which would be contrary to one of the goals of the Workers' Compensation Act; and (5) a New Jersey surgeon, who performs surgery on a New Jersey resident in New Jersey, should not be required to file an application for reimbursement in New York.

The central question presented on this appeal is whether the Division had subject matter jurisdiction to consider Landa's MPA. That question involves a mixed issue of law and fact. The scope of the Division's jurisdiction is a legal determination involving the interpretation of the New Jersey Workers' Compensation Act (the Act), N.J.S.A. 34:15-1 to -147. Determining whether the Division may exercise jurisdiction "requires consideration of the particular facts" related to the claim. Marconi, 460 N.J. Super. at 338 (quoting Connolly v. Port Auth. of N.Y. & N.J., 317 N.J. Super. 315, 318 (App. Div. 1998)).

We defer to the factual findings of a judge of compensation if those findings are supported by sufficient credible evidence. Lindquist v. City of Jersey City Fire Dep't, 175 N.J. 244, 262 (2003). In contrast, appellate courts "owe no . . . deference to [a] judge of compensation's interpretation of the law."

Sexton v. Cnty. of Cumberland/Cumberland Manor, 404 N.J. Super. 542, 548 (App. Div. 2009) (citing Manalapan Realty, L.P. v. Twp. Comm. of Twp. of Manalapan, 140 N.J. 366, 378 (1995)).

The Division's jurisdiction "is limited to that granted by the Legislature and therefore 'cannot be inflated by consent, waiver, estoppel or judicial inclination.'" Marconi, 460 N.J. Super. at 337 (quoting Bey v. Truss Sys., Inc., 360 N.J. Super. 324, 327 (App. Div. 2003)) (internal quotation marks omitted). Accordingly, whether a party may invoke the limited, statutory jurisdiction of the Division presents a question of law, which we review de novo. Ibid. (citing Williams v. Raymours Furniture Co., 449 N.J. Super. 559, 562 (App. Div. 2017)).

The Act provides for compensation and reimbursement of medical services if they "aris[e] out of and [are] in the course of employment." N.J.S.A. 34:15-7. The Act does not directly address whether it covers work-related injuries that happen outside of New Jersey. Williams v. Port Auth. of N.Y. & N.J., 175 N.J. 82, 88 (2003). We have recognized that "[a]ny state having a more-than-casual interest in a compensable injury may apply its compensation act to that injury without violating its constitutional duty to give full faith and credit to the compensation statutes of other states also having an interest in the

injury. . . ." Connolly, 317 N.J. Super. at 319 (quoting 9 Lex K. Larson, Larson's Workers' Compensation Law § 86:00, at 16-55 (1997)). The New Jersey Supreme Court has explained that "New Jersey generally will take jurisdiction and apply its Act when the State has a substantial interest [.]" Williams, 175 N.J. at 90.

The New Jersey Supreme Court and we have both cited the six "Larson factors" in determining the Division's subject matter jurisdiction under the Act. See id. at 87-88; Marconi, 460 N.J. Super. at 335. The Larson factors are:

> (1) Place where the injury occurred;
>
> (2) Place of [the] making of the contract;
>
> (3) Place where the employment relationship exists or is carried out;
>
> (4) Place where the industry is localized;
>
> (5) Place where the employee resides; or
>
> (6) Place whose statute the parties expressly adopted by contract.
>
> [Marconi, 460 N.J. Super. at 335 (citing 13 Lex K. Larson, Larson's Workers' Compensation Law § 142.01 (rev. ed. 2019)).]

In considering Landa's MPA, the judge of compensation found that (1) the injury occurred in New York; (2) Valinotti's contract of employment was in New

York; (3) Valinotti's employment relationship existed in and was carried out in New York; (4) the employer, Posillico, primarily operated in an industry localized in New York; (5) Valinotti resided in New Jersey; and (6) there was no expressed contract stating that the Act applied.

In short, the judge found the only factor suggesting subject matter jurisdiction in New Jersey was Valinotti's residency in New Jersey. We have held "that residency alone is an insufficient basis to confer jurisdiction on the Division for extra-territorial workplace injuries." Marconi, 460 N.J. Super. at 340.

Landa argues that the cases relied on by the compensation judge involved jurisdiction over workers' compensation claims filed by injured employees. It points out that there is a distinction between an employee's claim for workers' compensation and a medical provider's application for additional reimbursement. While we acknowledge that distinction, for jurisdictional purposes it is a distinction without a difference. The same subject matter jurisdiction considerations that govern a workers' compensation claim also govern a medical provider's claim for additional reimbursement because both can only be pursued before the Division if the Division has jurisdiction under the Act.

In support of its jurisdictional argument, Landa points to N.J.S.A. 34:15-15. That provision of the Act states that fees for medical, surgical, treatments, or services "shall not be charged against or collectable from the injured worker." Ibid. The provision then states: "Exclusive jurisdiction for any disputed medical charge arising from any claim for compensation for a work-related injury or illness shall be vested in the [D]ivision." Ibid.

Reading N.J.S.A. 34:15-15 in the full context of the Act clarifies that the Legislature's reference to "[e]xclusive jurisdiction" grants jurisdiction over those disputes with the Division as opposed to the Superior Court. We do not read that provision as providing for jurisdiction over all applications for medical provider services in all circumstances where the services and the provider are located in New Jersey. Instead, the provision must be read in context of the limited jurisdiction of the Division.

We also reject Landa's contention that by dismissing its MPA claim for lack of jurisdiction, Landa can pursue reimbursement from Valinotti. The dismissal does not lead to a result that has been expressly prohibited by the Legislature. See N.J.S.A. 34:15-15 (providing that a medical provider cannot seek unreimbursed costs from the injured worker). Instead, Landa's recourse is to pursue its MPA with the New York Board.

III.

In summary, the facts found by the judge of compensation were essentially not disputed and are supported by substantial credible evidence. The judge's application of those facts to the law governing the limited jurisdiction of the Division is consistent with the Act and case law interpreting the scope of the jurisdiction under the Act. Accordingly, we affirm the order of dismissal for lack of subject matter jurisdiction.

Like the judge of compensation, we also recognize that Landa has an appropriate recourse to challenge Starr's limited reimbursement of the cost of the spinal surgery. Landa can file its MPA with the New York Board. Thus, to avoid any confusion, we remand with direction that the compensation judge modify the order of dismissal to provide that it is without prejudice. Landa can then file its MPA with the New York Board.

Affirmed as modified and remanded for entry of a modified order. We do not retain jurisdiction.

I hereby certify that the foregoing is
a true copy of the original on file in
my office.

M.C. Harley

Clerk of the Appellate Division