

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK

Cantone v. DiNapoli

50 A.D.3d 1307, 855 N.Y.S.2d 728 (N.Y. App. Div. 2008) · Decided April 11, 2008

SUMMARY

The court annulled a determination denying a municipal employee’s application for accidental disability retirement benefits. It held that the Hearing Officer failed to consider substantial medical and testimonial evidence and did not provide an adequate factual basis for the denial, remanding the matter for further proceedings.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York
WRITING FOR THE COURT	Rose, J.; Peters, J.P.; Spain, J.; Lahtinen, J.; Kavanagh, J.
JURISDICTION	New York
DECIDED	April 11, 2008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	CPLR article 78 proceeding challenging the respondent's determination denying accidental disability retirement benefits; the proceeding was transferred to the Appellate Division by order of the Supreme Court, Albany County.
STANDARD OF REVIEW	Whether the agency determination has a rational basis in the record and whether the agency provided an adequate statement of the factual basis for its decision.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Cantone v. DiNapoli

TOPICS

- judicial review of agency action
- administrative law
- employee benefits
- municipal law

PRACTICE AREAS

- administrative law
- employment law
- municipal law

QUESTIONS PRESENTED

1. Whether respondent's denial of accidental disability retirement benefits was adequately supported when the Hearing Officer failed to consider material testimony and medical evidence.
2. Whether the agency determination had a rational basis in the record and an adequate statement of the factual basis for denying the application.

HOLDINGS

1. The determination denying accidental disability retirement benefits must be annulled because the Hearing Officer failed to consider the bulk of petitioner's medical evidence and the decision therefore lacked an adequate statement of the factual basis for the denial.

KEY QUOTATIONS

“As the Hearing Officer failed to consider the bulk of petitioner’s medical evidence, we find that the decision lacked an adequate statement of the factual basis for denying the application and, therefore, we are prevented from determining whether respondent’s conclusions have a rational basis in the record” (50 A.D.3d at 1308)

FACTUAL BACKGROUND

In 1997, petitioner tripped and fell over wire spools while attempting to close a water valve at a municipal water treatment plant. Although the Appellate Division previously determined that the fall constituted an accident, the Hearing Officer later found that petitioner was not permanently incapacitated from performing his regular job duties. The Hearing Officer failed to consider testimony from the 1999 hearings, including testimony from petitioner and his treating physician, and respondent's supplemental findings did not address that omission.

PROCEDURAL HISTORY

After petitioner was injured in a fall at a municipal water treatment plant, respondent denied his application for accidental disability retirement benefits. The Appellate Division previously annulled that determination and remitted the matter for further proceedings, finding that the fall constituted an accident. Following additional hearings, the Hearing Officer again denied the application on the ground that petitioner was not permanently incapacitated, and respondent upheld that decision. Petitioner commenced this second article 78 proceeding, and respondent conceded that the Hearing Officer had not considered testimony from the 1999 hearings, including testimony from petitioner and his treating physician.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The determination is annulled, and the matter is remitted to respondent for further proceedings not inconsistent with the court's decision.

CASES CITED

- Matter of Cantone v. McCall, 289 A.D.2d 863 (2001)
- Matter of Montauk Improvement v. Proccacino, 41 N.Y.2d 913, 914 (1977)
- Matter of Bierenbaum v. Goord, 13 A.D.3d 945, 946 (2004)

OPINION

ROSE, J.

Rose, J. Proceeding pursuant to CPLR article 78 (transferred to this Court by order of the Supreme Court, entered in Albany County) to review a determination of respondent which denied petitioner's application for accidental disability retirement benefits.

In 1997, petitioner was injured when he tripped and fell over wire spools while attempting to close a water valve at a municipal water treatment plant. Respondent, finding that petitioner had not sustained an accident within the meaning of Retirement and Social Security Law § 63, denied his subsequent application for accidental disability retirement benefits.

This Court annulled that determination, finding that petitioner's fall did constitute an accident and remitted the matter to respondent (Matter of Cantone v McCall, 289 AD2d 863 [2001]). Following additional hearings, the Hearing Officer denied petitioner's application, finding that he is not permanently incapacitated from performing his regular job duties.

Respondent made a supplemental finding of fact, but upheld the Hearing Officer's decision. Petitioner thereafter commenced this CPLR article 78 proceeding, challenging the determination. Respondent now concedes that the Hearing Officer, when determining if petitioner was permanently disabled as a result of his accident, never considered testimony taken at hearings held in 1999.

Notably, this testimony included that of petitioner and petitioner's treating physician. Furthermore, the supplemental findings of fact failed to address the apparent oversight. As the Hearing Officer failed to consider the bulk of petitioner's medical evidence, we find that the decision lacked an adequate statement of the factual basis for denying the application and, therefore, we are prevented from determining whether respondent's conclusions have a rational basis in the record (see Matter of Montauk Improvement v Proccacino, 41 NY2d 913, 914 [1977]; Matter of Bierenbaum v Goord, 13 AD3d 945, 946 *1308[2004]).

Accordingly, the determination must be annulled. Petitioner's remaining contentions have been considered and found to be either unpersuasive or academic. Peters, J.P., Spain, Lahtinen and Kavanagh, JJ., concur. Adjudged that the determination is annulled, without costs, and matter remitted to respondent for further proceedings not inconsistent with this Court's decision.