

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH DEPARTMENT**

Matter of Zembiec v County of Monroe

104 A.D.3d 1243 (4th Dep't 2013) · Decided March 15, 2013

SUMMARY

The court affirmed a judgment awarding a Monroe County Sheriff's Department employee General Municipal Law § 207-c disability benefits beginning December 4, 2009. It held that the employee's second claim, based on a later denial of benefits, was not barred by res judicata or collateral estoppel because it arose from a different administrative determination and involved issues not decided in the prior proceeding.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Department
WRITING FOR THE COURT	Smith, J.E.; Peradotto, J.; Garry, J.; Sconiers, J.; Whalen, J.
JURISDICTION	New York
DECIDED	March 15, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondents appealed from a judgment in a CPLR article 78 proceeding awarding petitioner General Municipal Law § 207-c disability benefits beginning December 4, 2009.
STANDARD OF REVIEW	Whether the administrative determination was arbitrary and capricious under CPLR 7803(3), based on the facts and record before the agency; application of res judicata and collateral estoppel was reviewed as a legal question.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	County of Monroe, Monroe County Sheriff's Department v. Zembiec

TOPICS

res judicata administrative procedure act judicial review of agency action municipal law
employee benefits

PRACTICE AREAS

civil procedure

administrative law

municipal law

employment law

QUESTIONS PRESENTED

1. Whether petitioner's second claim for General Municipal Law § 207-c disability benefits was barred by res judicata because it involved the same transaction or series of transactions as the earlier proceeding.
2. Whether collateral estoppel barred litigation of petitioner's ability to return to work and eligibility for disability benefits in December 2009.
3. Whether Supreme Court properly affirmed the challenge to respondents' July 19, 2010 administrative determination and awarded benefits beginning December 4, 2009.

HOLDINGS

1. The second article 78 claim was not barred by res judicata because it arose from a different transaction—the July 19, 2010 denial of benefits—than the earlier claim arising from the June 15, 2009 denial.
2. Collateral estoppel did not bar the second claim because the prior proceeding did not decide petitioner's ability to return to work or eligibility for disability benefits in December 2009.
3. Supreme Court properly found the July 19, 2010 denial of benefits arbitrary and capricious and properly awarded petitioner General Municipal Law § 207-c benefits beginning December 4, 2009.

KEY QUOTATIONS

“It is well settled that the determination whether a “factual grouping constitutes a transaction or series of transactions depends on how the facts are related in time, space, origin, or motivation, whether they form a convenient trial unit, and whether . . . their treatment as a unit conforms to the parties’ expectations or business understanding or usage”” (104 A.D.3d at 1244)

“Although we determined that the court erred in awarding petitioner regular pay from June 15, 2009 through March 25, 2010, we did not foreclose the possibility that petitioner may, at some point after June 15, 2009, again become eligible for disability benefits.” (104 A.D.3d at 1245)

FACTUAL BACKGROUND

Petitioner, an employee of the Monroe County Sheriff's Department, sought disability benefits under General Municipal Law § 207-c. After an earlier denial of benefits effective June 15, 2009, petitioner sought benefits based on a December 2, 2009 status report from an MCSD physician stating that he was not fit to return to work. Respondents denied the second request on July 19, 2010, and Supreme Court found that denial arbitrary and capricious, awarding benefits beginning December 4, 2009.

PROCEDURAL HISTORY

Petitioner challenged respondents' July 19, 2010 determination denying his request for General Municipal Law § 207-c benefits. Supreme Court concluded that the determination was arbitrary and capricious and awarded benefits beginning December 4, 2009. Respondents argued on appeal that the claim was barred by res judicata

or, alternatively, collateral estoppel, based on an earlier article 78 proceeding involving a June 15, 2009 denial of benefits. The Appellate Division rejected both arguments and unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Zembiec v County of Monroe [appeal No. 2], 87 A.D.3d 1358, 1359 (4th Dep't 2011)
- Matter of White v County of Cortland, 97 N.Y.2d 336, 340 (2002)
- Smith v Russell Sage Coll., 54 N.Y.2d 185, 192-193 (1981), rearg. denied, 55 N.Y.2d 878 (1982)
- Matter of Reilly v Reid, 45 N.Y.2d 24, 30 (1978)
- Matter of Kelly v Safir, 96 N.Y.2d 32, 39 (2001), rearg. denied, 96 N.Y.2d 854 (2001)
- Matter of Featherstone v Franco, 95 N.Y.2d 550, 554 (2000)
- Buechel v Bain, 97 N.Y.2d 295, 303-304 (2001), cert. denied, 535 U.S. 1096 (2002)