

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND DEPARTMENT

Matter of Szlepcsik v County of Suffolk

Matter of Szlepcsik v. County of Suffolk, 2026 NY Slip Op 02408 · No. 2024-13011 · Decided April 22, 2026

SUMMARY

The Appellate Division, Second Department affirmed dismissal of an Article 78 proceeding challenging the disqualification of an applicant for employment as a Suffolk County police officer. The court held that the Department's reliance on its own psychological evaluation was neither irrational nor arbitrary and capricious, even though the applicant submitted a contrary independent evaluation. The court also reiterated that reviewing courts may not weigh conflicting professional opinions or substitute their judgment for that of the administrative agency.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Paul Wooten; Janice A. Taylor; James P. McCormack
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	April 22, 2026
DOCKET	2024-13011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order and judgment of the Supreme Court, Suffolk County, that granted the County's motion to dismiss a CPLR article 78 petition challenging the petitioner's disqualification from employment as a police officer.
STANDARD OF REVIEW	In a CPLR article 78 proceeding, an administrative determination will be upheld unless it is irrational or arbitrary and capricious. The reviewing court may not weigh the evidence, choose between conflicting proof, or substitute its assessment of the evidence or witness credibility for that of the administrative factfinder.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Sean Szlepcsik v. County of Suffolk

TOPICS

judicial review of agency action

administrative law

standard of review

appellate procedure

employment law

PRACTICE AREAS

administrative law

employment law

municipal law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Suffolk County Department of Civil Service's determination that Szlepcsik was psychologically unqualified for employment as a police officer was irrational or arbitrary and capricious.
2. Whether the reviewing court could choose between the conflicting psychological opinions submitted by the Department and Szlepcsik.

HOLDINGS

1. The determination was neither irrational nor arbitrary and capricious and therefore was properly sustained.
2. The court could not choose between the conflicting professional opinions; that function belonged to the responsible administrative officials so long as they acted reasonably and responsibly.

KEY QUOTATIONS

"An appointing authority has wide discretion in determining the fitness of candidates, and this discretion is particularly broad in the hiring of law enforcement officers, to whom high standards may be applied" ([*2])

"So long as the administrative determination is not irrational or arbitrary and capricious, this Court will not disturb it" ([*2])

"in an article 78 proceeding, the reviewing court may not weigh the evidence, choose between conflicting proof, or substitute its assessment of the evidence or witness credibility for that of the administrative factfinder" ([*2])

"In determining whether a candidate is medically qualified to serve as a police officer, the appointing agency is 'entitled to rely upon the findings of its own medical personnel, even if those findings are contrary to those of professionals retained by the candidate'" ([*2])

FACTUAL BACKGROUND

Szlepcsik sought employment as a police officer with the Suffolk County Police Department, a position requiring, among other things, a background investigation and psychological evaluation. The Department's evaluator did not recommend him for the position, and the Department determined that he was not qualified. Although Szlepcsik submitted an independent psychologist's contrary evaluation and pursued an administrative appeal, the Department affirmed the disqualification.

PROCEDURAL HISTORY

The Suffolk County Department of Civil Service determined that Szlepcsik was not qualified for employment as a police officer based on the results of a psychological evaluation and affirmed that determination after an appeal interview. Szlepcsik commenced a CPLR article 78 proceeding to review the May 22, 2024 determination and submitted an independent psychological evaluation reaching a contrary conclusion. The Supreme Court, Suffolk County, granted the County's motion pursuant to CPLR 3211(a) and 7804(f), denied the petition, and dismissed the proceeding. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Brown v County of Nassau, 214 AD3d 793, 795-796
- Matter of Dellisanti v Suffolk County Police Dept., 239 AD3d 976, 978
- Matter of Winnegar v County of Suffolk, 13 AD3d 382, 382-383
- Matter of Coyle v Kampe, 185 AD3d 1028, 1028
- Matter of Adirondack Wild: Friends of the Forest Preserve v New York State Adirondack Park Agency, 34 NY3d 184, 195
- Matter of Underhill-Washington Equities, LLC v Division of Hous. & Community Renewal, 157 AD3d 705, 706-707
- Matter of Bennett v Zoning Bd. of Appeals of Vil. of Sagaponack, 170 AD3d 716, 717
- Matter of Thomas v Straub, 29 AD3d 595, 596