

SUPREME COURT OF RHODE ISLAND

Jared Starnino v. Employees' Retirement System of the City of Providence

Jared Starnino v. Employees' Retirement System of the City of Providence · No. 2018-233-M.P. · Decided February 5, 2021

SUMMARY

The Rhode Island Supreme Court reviews the Providence Employees' Retirement System Board's denial of Jared Starnino's application for accidental disability retirement benefits. The Court holds that legally competent evidence, including an independent medical examiner's opinion that Starnino could return to full-duty firefighting, supported the Board's decision and affirms. A dissent would have concluded that the medical evidence established Starnino's inability to perform his firefighting duties.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice William P. Robinson III; Chief Justice Suttell; Justice Flaherty; Justice Robinson
JURISDICTION	Rhode Island
DECIDED	February 5, 2021
DOCKET	2018-233-M.P.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for a writ of certiorari seeking review of the Retirement Board's denial of an application for accidental disability retirement benefits.
STANDARD OF REVIEW	On certiorari review, the Court determines whether legally competent evidence supports the lower tribunal's decision and whether the decision-maker committed a reversible error of law. The Court reviews questions of law de novo and looks for some or any evidence supporting the agency's findings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jared Starnino v. Employees' Retirement System of the City of Providence

TOPICS

judicial review of agency action

administrative law

municipal law

writ of certiorari

appellate procedure

PRACTICE AREAS

administrative law

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public employee benefits

disability retirement

QUESTIONS PRESENTED

1. Whether legally competent evidence supported the Retirement Board's denial of Starnino's application for accidental disability retirement.
2. Whether the Board was entitled to rely on one independent medical examiner's opinion and discount contrary medical evidence and a functional capacity evaluation.

HOLDINGS

1. The Board's denial was supported by legally competent evidence because Dr. Lifrak's opinion that Starnino could return to full-duty work constituted some evidence supporting the Board's conclusion that he was not incapacitated for duty.
2. The Board may find one independent medical examiner more persuasive than other physicians, including the treating physician, so long as its decision reflects a reasoned analysis of the evidence.
3. Under Providence Code of Ordinances § 17-189(f), once an employee establishes that the ordinance's accidental-disability retirement criteria are satisfied, the Board must retire the employee and lacks discretion to deny the application.

KEY QUOTATIONS

“our task is to discern whether any legally competent evidence supports the lower tribunal’s decision and whether the decision-maker committed any reversible errors of law in the matter under review.” (at 7-8)

“the Board certainly has the ability to determine that the one dissenting physician is more persuasive than the others, but that decision must be based on a reasoned analysis of the evidence before the board.” (at 12)

“our standard of review provides that we need look only for some or any evidence to support the Board’s decision.” (at 13)

FACTUAL BACKGROUND

Starnino, a Providence firefighter, injured his right shoulder while lifting a patient on June 24, 2014, and sustained a second right-shoulder injury while transferring a patient on August 3, 2015. After surgery and a functional capacity evaluation, he applied for accidental disability retirement, supported by opinions from his treating physician and three independent medical examiners. The Board relied primarily on Dr. Lifrak's opinion that Starnino could perform full-duty work, discounted the functional capacity evaluation as outdated, and denied the application.

PROCEDURAL HISTORY

The Providence Retirement Board denied Starnino's application for accidental disability retirement on April 25, 2018, and issued a written decision on July 25, 2018. Starnino petitioned the Rhode Island Supreme Court for a writ of certiorari on August 14, 2018. The Supreme Court granted the petition on April 29, 2019, summarily decided the case after a show-cause proceeding, affirmed the Board's decision, and remanded the record to the Board.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was remanded to the Retirement Board of the Employees' Retirement System of the City of Providence.

CASES CITED

- Prew v. Employee Retirement System of City of Providence, 139 A.3d 556 (R.I. 2016)
- Trinidad v. Employees' Retirement System of Providence, 206 A.3d 700 (R.I. 2019)
- Morse v. Employees Retirement System of City of Providence, 139 A.3d 385 (R.I. 2016)
- Pierce v. Providence Retirement Board, 15 A.3d 957 (R.I. 2011)
- Auto Body Association of Rhode Island v. State Department of Business Regulation, 996 A.2d 91 (R.I. 2010)
- Foster-Glocester Regional School Committee v. Board of Review, 854 A.2d 1008 (R.I. 2004)
- Harodite Industries, Inc. v. Warren Electric Corp., 24 A.3d 514 (R.I. 2011)
- State v. Gillespie, 960 A.2d 969 (R.I. 2008)