

Bond Case Briefs

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EMPLOYMENT - NEW YORK

Childs v. City of Little Falls

Supreme Court, Appellate Division, Fourth Department, New York - September 27, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 06162

Firefighter commenced proceeding under Article 78, seeking review of city and its fire and police board's determination terminating his disability benefits.

The Supreme Court, Appellate Division, held that determination that firefighter's disability was not causally related to his job duties was supported by substantial evidence, and, thus, fire and police board properly terminated his disability benefits. Although firefighter presented evidence to the contrary, hearing officer was entitled to weigh parties' conflicting medical evidence and to assess credibility of witnesses.

In reviewing a determination on a firefighter's claim for disability benefits, the Supreme Court, Appellate Division, may not weigh the evidence or reject the hearing officer's choice when the evidence is conflicting and room for a choice exists.