

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **EMPLOYMENT - NEW YORK**

### **Quartucio v. DiNapoli**

**Supreme Court, Appellate Division, Third Department, New York - October 24, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 06928**

Police officer who sustained bilateral knee injuries commenced article 78 proceeding to review determination of State Comptroller which denied officer's application for accidental disability retirement benefits under Policemen's and Firemen's Retirement System.

The Supreme Court, Appellate Division held that:

- Officer bore burden of demonstrating his entitlement to benefits;
- Alleged incident in which officer responded to citizen complaint regarding drug activity and thereafter sustained injury while attempting to apprehend and subdue one of the suspects in question was not "accident;"
- Incident in which officer tripped over basket that was part of large commercial shredder was not "accident;"
- Incident in which officer tripped over wooden frame securing simulated telephone pole to ground was not "accident;" and
- Incident in which police officer slipped and fell while exiting his vehicle at fuel dock of local highway garage was not "accident."

Incident is not "accident," for purposes of accidental disability retirement benefits under Policemen's and Firemen's Retirement System, where underlying injuries result from expected or foreseeable event arising during performance of routine employment duties, arise from the injured employee's own misstep or inattention, or occur during course of training program constituting ordinary part of employee's job duties and normal risks arising therefrom.