

# **Bond Case Briefs**

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## **EMPLOYMENT - NEW YORK**

### **Fiducia v. DiNapoli**

**Supreme Court, Appellate Division, Third Department, New York - November 7, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 07245**

Police officer commenced Article 78 proceedings, seeking review of determination denying his application for accidental disability retirement benefits.

The Supreme Court, Appellate Division, held that officer slipping and falling while descending stairway in abandoned building was not an accident. An incident at issue in application for accidental disability retirement benefits does not qualify as an accident where the injury results from an expected or foreseeable event arising during the performance of routine employment duties. Rather, the precipitating event must emanate from a risk that is not an inherent element of the petitioner's regular employment duties.