

Bond Case Briefs

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BENEFITS - NEW YORK

Pastalove v. Kelly

Supreme Court, Appellate Division, First Department, New York - August 21, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 05922

Police officer brought article 78 petition seeking to annul determination of board of police pension fund rejecting his application for accidental disability retirement benefits. The Supreme Court, New York County, denied the petition. Police officer appealed.

The Supreme Court, Appellate Division, held that officer's injury was not a sudden or unexpected event.

Police officer's accident, in which he sustained injuries from falling when two water hoses he stepped on were charged with water by firefighters to combat residential fire, was not the result of a sudden, fortuitous, or unexpected event, and thus officer was not entitled to accidental disability retirement benefits.