

Bond Case Briefs

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PENSIONS - NEW JERSEY

Moran v. Board of Trustees, Police and Firemen's Retirement System

Superior Court of New Jersey, Appellate Division - November 25, 2014 - A.3d - 2014 WL 6634502

After suffering disabling injuries while saving two victims from a burning building by kicking in the building's front door, firefighter applied for an accidental disability retirement pension. The Board of Trustees of the Police and Firemen's Retirement System (PFRS) denied the application, rejecting the legal conclusion of the Office of Administrative Law that the incident was undesigned and unexpected. Firefighter appealed.

The Superior Court, Appellate Division, held that firefighter suffered an undesigned and unexpected traumatic event and was entitled to accidental disability pension.

Firefighter who suffered disabling injuries after saving two victims from a burning building by kicking in building's front door suffered an undesigned and unexpected traumatic event, and thus firefighter was entitled to an accidental disability retirement pension, even though event was not a classic accident. Event resulted from combination of unusual circumstances that led to firefighter's injury, including failure of truck company unit that was responsible for forcing entry and rescuing occupants to arrive, discovery of victims trapped inside a fully engulfed burning building that was reported to have been vacant, training that had not prepared firefighter to break into burning buildings without battering rams or other specialized equipment used by truck company unit, and fact that victims would have died had firefighter not responded immediately to break down door.