

Bond Case Briefs

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PENSIONS - RHODE ISLAND

Prew v. Employee Retirement System of City of Providence

Supreme Court of Rhode Island - July 13, 2016 - A.3d - 2016 WL 3743354

City police detective applied for accidental-disability retirement benefits after she was diagnosed with post-traumatic carpal tunnel syndrome. City retirement board denied the application, and detective filed petition for a writ of certiorari.

After granting the petition, the Supreme Court of Rhode Island held that:

- City ordinance governing accidental-disability retirement benefits was remedial and had to be construed in favor of detective, and
- Board was required to grant benefits to detective even though she failed to mitigate her injury through surgery.

City ordinance governing accidental-disability retirement benefits was a remedial measure intended to compensate employees who became disabled as the result of an injury suffered in the line of duty, and thus any ambiguities in the ordinance had to be construed liberally in favor of employees.

City retirement board was required to grant accidental-disability retirement benefits to police detective who was otherwise eligible for benefits due to carpal tunnel syndrome but failed to mitigate her injury through surgery. There was no language in city ordinance governing accidental-disability retirement benefits indicating that an employee had to undergo surgery to mitigate a permanent disability in order to qualify for benefits, the absence of such a requirement had to be construed in favor of the detective, and while the stated purpose of the city code section in which the ordinance was located was to protect the city's fiscal stability, that purpose would not fail in the absence of a mitigation requirement due to other safeguards against potential abuse.