

Bond Case Briefs

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PUBLIC EMPLOYMENT - RHODE ISLAND

Starnino v. Employees' Retirement System of the City of Providence

Supreme Court of Rhode Island - February 5, 2021 - A.3d - 2021 WL 405870

City employee petitioned for a writ of certiorari to review city retirement board's decision to deny his application for an accidental disability retirement from his position as a firefighter due to shoulder injury.

The Supreme Court held that physician's independent medical evaluation that employee could return to full duty supported denial of accidental disability retirement.

Physician's independent medical evaluation of city employee, which concluded that employee could return to full duty as a firefighter after he had sustained shoulder injuries on the job, was legally competent evidence that supported city retirement board's decision to deny employee's application for accidental disability retirement, notwithstanding functional capacity evaluation that concluded employee could not return to working full duty and opinion of other medical examiners that employee was unable to return to work as a firefighter; board was within its discretion in discounting functional evaluation, in view of length of time that had passed since it had been performed, and to give more credence to physician's opinion as to subjective nature of employee's complaints.