

Springs v New York City Fire Pension Fund

2025 NY Slip Op 33910(U)

October 10, 2025

Supreme Court, New York County

Docket Number: Index No. 154773/2025

Judge: Lyle E. Frank

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. LYLE E. FRANK PART 11M

Justice

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GORDON SPRINGS,

Petitioner,

- v -

THE NEW YORK CITY FIRE PENSION FUND, THE BOARD OF TRUSTEES OF THE NEW YORK CITY FIRE PENSION FUND, ROBERT TUCKER, COMMISSIONER OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK AND CHAIRMAN OF THE AFORESAID BOARD, THE CITY OF NEW YORK

Respondent.

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INDEX NO. 154773/2025

MOTION DATE 04/11/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43

were read on this motion to/for ARTICLE 78 (BODY OR OFFICER).

Petitioner, now retired, was a Firefighter for the Fire Department of the City of New York (“FDNY”), brings the instant petition alleging he was wrongly denied accident disability retirement (ADR) benefits. Respondents oppose the instant petition. For the reasons set forth below, the petition is denied.

Background¹

Petitioner was granted ordinary disability benefits but denied ADR because both the Medical Board and the Board of Trustees determined that petitioner’s disabilities were not the “natural and proximate result of an accident” sustained during his service as a firefighter. Based upon a prior petition, the matter was remanded for the purposes of developing the record as to

¹ Petitioner has previously filed a petition that resulted in a remand, the background section is a brief recitation of the background stated in this Court’s Decision and Order dated May 6, 2024.

petitioner's psychological injuries as well as an analysis of the COVID-19 pandemic and petitioner's delay in getting surgery for his physical injuries.

Upon remand, the Medical Board reconsidered the application and again determined that petitioner was not entitled to ADR, petitioner again seeks judicial review of that determination.

Standard of Review

Article 78 review is permitted, where it is alleged a determination was made "in violation of lawful procedure, was affected by an error of law or was arbitrary and capricious or an abuse of discretion...." NY *CPLR* §7803(3).

"Arbitrary" for the purpose of the statute is interpreted as "when it is without sound basis in reason and is taken without regard to the facts." *Pell v Board of Ed. of Union Free School Dist. No. of the Towns of Scarsdale and Mamaroneck, Westchester Cty.* 34 NY2d 222, 231 [1974].

A court can overturn an administrative action only if the record illuminates there was no rational basis for the decision. *Id.* "Rationality is what is reviewed under both the substantial evidence rule and the arbitrary and capricious standard." *Id.* If the court reviewing the determination finds that "[the determination] is supported by facts or reasonable inferences that can be drawn from the records and has a rational basis in the law, it must be confirmed."

American Telephone & Telegraph v State Tax Comm'n 61 NY2d 393, 400 [1984].

It is well established that the court should not disturb an administrative body's determination once it has been established that the decision is rational. See *Matter of Sullivan Cnty. Harness Racing Ass'n, Inc. v. Glasser*, 30 NY2d 269 [1972]; *Presidents' Council of Trade Waste Assns. v New York*, 159 AD2d 428, 430 [1st Dept 1990].

To receive ADR, a member must establish that they are “physically or mentally incapacitated for the performance of city-service, as a natural and proximate result” of an accidental injury received in such city-service. Administrative Code §13-353. The application for ADR involves a two-tier administrative process. *See Meyer v Bd. of Trs. of the New York City Fire Dep’t, Article I-B Pension Fund*, 90 NY2d 139, 144 [1997].

First, the “threshold” determination of whether the applicant is deemed disabled is left solely to the Medical Board. *Borenstein v New York City Emps.’ Ret. Sys.*, 88 NY2d 756, 760 [1996], rev’g 218 AD2d 532 [1st Dept 1995]. If the Medical Board concludes that the applicant is disabled, it must then make a recommendation to the Board of Trustees as to whether the disability was “a natural and proximate result of an accidental injury received in such city-service”. *Id.*

The second step involves the Board of Trustees, which is bound by the Medical Board’s disability determination. *Id.* However, where the Medical Board finds an applicant disabled, the Board must then “make its own evaluation as to the Medical Board’s recommendation regarding causation.” *Id.* If causation is not found and the application is denied, the Board’s proceedings should disclose the reason for the denial. *Curran v McGuire*, 87 AD2d 223 [1st Dept 1982]. The determination must be set forth in such manner as to permit adequate judicial review. *Id.*

Discussion

Petitioner contends that contrary to this Court’s previous decision and order, respondents have failed to properly consider petitioner’s application for ADR benefits. This Court does not agree.

At this juncture and on the record submitted in relation to this petition, the Court finds that the Medical Board’s determination, and subsequent Board of Trustees adoption of that

determination, that petitioner’s disabilities did not result from an accident to warrant ADR benefits was based on a rational review of the medical records before it.

Specifically, as to the delay in seeking treatment based on the COVID-19 pandemic and the suspension of elective surgeries, the Court is satisfied that the Board has considered the delay, as well the lack of medical evidence to substantiate that petitioner’s delay in receiving treatment was due to COVID-19.

With respect to petitioner’s psychological disability, the Court similarly finds that respondents, consistent with binding precedent, reasonably determined that it was not causally related to his duties as a firefighter. *See Smith v City of N.Y.*, 208 AD3d 1335 [2d Dept 2022] (firefighter physically and sexually assaulted by two fellow firefighters and subsequently developed PTSD in connection with assault); *Picciurro v. Bd. of Trs. of the N.Y.C. Police Pension Fund*, 46 AD3d 346, 348-49 [1st Dept 2007] (police officer suffered PTSD and depression after humiliation, harassment and taunting by coworkers); *Baird v Kelly*, 25 AD3d 311, 313 [1st Dept 2006] (“campaign of harassment does not constitute an accident”).

The Court has reviewed plaintiff’s remaining contentions and finds them unavailing. Petitioner has failed to establish entitlement to the relief sought, accordingly, it is hereby

ADJUDGED that the petition is denied.


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10/10/2025
DATE

LYLE E. FRANK, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input type="checkbox"/>	GRANTED	<input checked="" type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE