

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D24764  
C/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - October 1, 2009

MARK C. DILLON, J.P.  
ANITA R. FLORIO  
ARIEL E. BELEN  
SHERI S. ROMAN, JJ.

---

2008-11076

DECISION & ORDER

In the Matter of Lawrence Schnurr, appellant,  
v Nassau County, et al., respondents.

(Index No. 6215/08)

---

The Law Offices of Louis D. Stober, Jr., LLC, Garden City, N.Y. (Sheila S. Hatami of counsel), for appellant.

Lorna B. Goodman, County Attorney, Mineola, N.Y. (Meredith A. Feinman and Dennis J. Saffran of counsel), for respondents.

In a proceeding pursuant to CPLR article 78 to review a determination of the respondent Nassau County Sheriff's Department dated October 10, 2006, which denied the petitioner benefits pursuant to General Municipal Law § 207-c, the appeal is from a judgment of the Supreme Court, Nassau County (Parga, J.), entered September 10, 2008, which denied the petition and dismissed the proceeding as untimely.

ORDERED that the judgment is affirmed, with costs.

The Supreme Court properly denied the petition and dismissed the proceeding as untimely, as it was commenced more than four months after the October 10, 2006, determination denying the petitioner benefits pursuant to General Municipal Law § 207-c (*see* CPLR 217; *Matter of Gruosso v County of Nassau*, 264 AD2d 396).

In any event, the determination dated October 10, 2006, had a rational basis and was

October 27, 2009

Page 1.

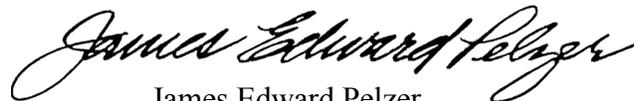
MATTER OF SCHNURR v NASSAU COUNTY

not arbitrary or capricious (*see Matter of McTigue v Town of Clarkstown*, 21 AD3d 374, 375; *Matter of Cole-Hatchard v Sherwood*, 309 AD2d 933). Moreover, the petitioner was not entitled to a due process hearing. The respondents' denial of General Municipal Law § 207-c benefits in the first instance was proper (*see Matter of Schenectady County Sheriff's Benevolent Assn. v McEvoy*, 124 AD2d 911, 912), and no such benefits had been terminated, revoked, or discontinued (*see Matter of McTigue v Town of Clarkstown*, 21 AD3d at 375; *Matter of Cole-Hatchard v Sherwood*, 309 AD2d at 933; *Matter of Olivier v County of Rockland*, 260 AD2d 482, 483).

The petitioner's remaining contentions are without merit.

DILLON, J.P., FLORIO, BELEN and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court