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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

2 No. 182 SSM 28
In the Matter of William Schafer
et al.,

Appellants,

v.

Edward Reilly, &c., et al.,
Respondents.

Submitted by Wayne J. Schaefer, for appellants.
Respondents precluded.

MEMORANDUM:

The order of the Appellate Division should be reversed, with
costs, and the judgment of Supreme Court reinstated.

The Appellate Division upheld the Department's denial of

section 207-c benefits to petitioners -- corrections officers employed by the Nassau County Sheriff's Department -- based on erroneous application of a "heightened risk" standard.

Eligibility for General Municipal Law § 207-c benefits is not contingent upon a covered municipal employee's "demonstrating an injury sustained in the performance of special work related to the heightened risks and duties inherent in law enforcement"

(Matter of Theroux v Reilly, 1 NY3d 232, 239 [2003]). Rather,

"to be eligible for section 207-c benefits, a covered municipal employee need only prove," as did petitioners in this case, "a

'direct causal relationship between job duties and the resulting illness or injury'" (Matter of Theroux, 1 NY3d at 243-244).

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On review of submissions pursuant to section 500.4 of the Rules, order reversed, with costs, and judgment of Supreme Court, Nassau County, reinstated, in a memorandum. Chief Judge Kaye and Judges Smith, Ciparick, Rosenblatt, Graffeo, Read and Smith concur.

Decided September 14, 2004