

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

D57008
C/htr

_____AD3d_____

Argued - June 5, 2018

MARK C. DILLON, J.P.
SHERI S. ROMAN
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON, JJ.

2016-05271

DECISION & ORDER

In the Matter of Shirley J. Carlock, respondent,
v Board of Trustees of New York Fire Department
Pension Fund, Subchapter Two, et al., appellants.

(Index No. 10122/15)

Zachary W. Carter, Corporation Counsel, New York, NY (Pamela Seider Dolgow and Daniel Matza-Brown of counsel), for appellants.

Sullivan Papain Block McGrath & Cannavo, P.C. (Michael N. Block and Stephen C. Glasser of counsel), for respondent.

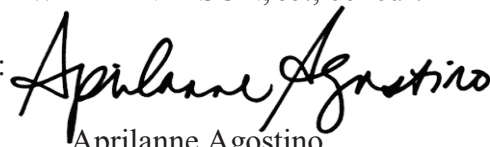
In a proceeding pursuant to CPLR article 78 to review a determination of the Board of Trustees of the New York Fire Department Pension Fund, Subchapter Two, dated April 22, 2015, denying the petitioner's application for accidental death benefits, the Board of Trustees of the New York Fire Department Pension Fund, Subchapter Two and Daniel A. Nigro appeal from a judgment of the Supreme Court, Kings County (Loren Baily-Schiffman, J.), dated March 29, 2016. The judgment granted the petition, annulled the determination, and directed that the petitioner receive accidental death benefits nunc pro tunc from the date of the first application.

ORDERED that the judgment is affirmed, with costs.

Under the circumstances of this case, we agree with the Supreme Court's determination granting the petition, annulling the determination, and directing that the petitioner receive accidental death benefits nunc pro tunc from the date of the first application.

DILLON, J.P., ROMAN, HINDS-RADIX and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 24, 2018

MATTER OF CARLOCK v BOARD OF TRUSTEES OF NEW YORK FIRE DEPARTMENT
PENSION FUND, SUBCHAPTER TWO