

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

45

TP 14-01326

PRESENT: SMITH, J.P., FAHEY, CARNI, VALENTINO, AND WHALEN, JJ.

IN THE MATTER OF DAVID FRANZ, PETITIONER,

V

MEMORANDUM AND ORDER

MARTIN G. D'AMBROSE, TOWN/VILLAGE ADMINISTRATOR,
EAST ROCHESTER AND VILLAGE OF EAST ROCHESTER,
RESPONDENTS.

TREVETT CRISTO SALZER & ANDOLINA P.C., ROCHESTER (MATTHEW J. FUSCO OF
COUNSEL), FOR PETITIONER.

COUGHLIN & GERHART, LLP, BINGHAMTON (PAUL J. SWEENEY OF COUNSEL), FOR
RESPONDENTS.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Monroe County [Thomas A. Stander, J.], entered July 23, 2014) to review a determination of respondents. The determination denied petitioner's application for benefits under General Municipal Law § 207-c.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the petition is dismissed.

Memorandum: Petitioner commenced this CPLR article 78 proceeding seeking to annul the determination that he is not entitled to General Municipal Law § 207-c benefits. After a hearing, the Hearing Officer issued a report recommending that petitioner's application for such benefits be denied on the ground that there was no causal link between petitioner's alleged injuries and the motor vehicle accident at issue. Respondents issued a final determination comporting with the Hearing Officer's recommendation. On this record, we are constrained to conclude that respondents' determination that there was no causal link between petitioner's alleged injuries and the accident is supported by substantial evidence (*see Matter of Hensel v City of Utica*, 115 AD3d 1217, 1218, *lv denied* 23 NY3d 908, *rearg denied* 24 NY3d 975).

Entered: February 6, 2015

Frances E. Cafarell
Clerk of the Court