

CAPTAINS' ENDOWMENT ASSOCIATION BULLETIN

Official Publication of the Captains' Endowment Association
Police Department, City of New York
"Managing the FINEST"

CEA HOSTS 1ST GOLF OUTING



Pictured from left: CEA Sergeant at Arms Vincent LaRusso; 2nd VP Mike Endall; President Roy T. Richter; Mary Jane Gilpin, spouse of the late Edward Gilpin; 1st VP Chris Monahan; Deputy Chief Jimmy McCarthy; Former Housing SOC President and Retired Deputy Inspector Bill Caldwell; Inspectors Rep. Mike Harrington; and Surgeons Rep. Pete Galvin.

On Friday, September 18, 2009 the CEA hosted our 1st Scholarship Golf Outing at Dyker Beach Golf Course in Brooklyn. The event was a success and raised money to benefit the CEA College Scholarship Program. As a result of this benefit outing the CEA was able to fund memorial scholarships in the name of the late Captain Edward Gilpin and

Inspector Richard Winter. Both Edward and Richard were granted post mortem line-of-duty death designation after they passed away from cancers caused by exposure to toxins at the former World Trade Center site in the period immediately following September 11, 2001.

Continued on page 7

ROY T. RICHTER

PRESIDENT



The financial condition of our Welfare Fund continues to improve. to pay current benefit obligations. This is the first time since 2002

I have a number of items to update you on. As detailed on page 10 in this newsletter, the SOC has commenced a lawsuit against Empire Blue Cross for the return of more than \$6 million in prescription drug rebates paid by pharmaceutical companies based upon our members' drug usage during the six-year period from 2001-2008. These rebates were collected by Empire but not returned to our Fund. When we filed the lawsuit, Empire did start returning the rebates from January 1, 2008; however, we are attempting to get back the previous six years worth of money. We feel strongly about our position in this matter and look forward to a positive result from the litigation.

The financial condition of our Welfare Fund continues to improve. This March 30 will mark a full year since the SOC has had to last dip into its reserve balance to pay current benefit obligations. This is the first time since 2002 that the SOC has gone 12 months without drawing upon our reserve balance. In fact, the SOC has been able to add \$1 million to our reserves in the last 12-month period. I appreciate your cooperation as we make modifications to our benefit structure to stabilize the financial well being of the SOC Welfare Fund.

In a past newsletter, I advised you of the discovery of an underpayment in Annuity Fund contributions for Captains with less than five years in rank. The City has updated these contribution rates and forwarded full retroactive contributions to affected Captains. These retroactive payments were deposited in your individual accounts this past January. You can access your account balance at www.principal.com to get updated information on your account balance and deposits.

At a recent CEA meeting, I spoke of the discretionary promotion process and issues related to its fairness. I am happy to thank NYS Senator Eric Adams for introducing a State Senate Bill this legislative session that seeks to amend current law to allow a Captain with 15 years of service to retire with a Deputy Chief pension. To say it is a difficult legislative session this year is to put it mildly, but it is good to know we have support on these matters from our retired members who hold elected office.

As a result of a competitive bidding process, the CEA is changing the carrier of our Life Insurance benefit to The Hartford on April 1, 2010, and increasing the death benefit to \$175,000. Spouse coverage of \$25,000 and dependant child coverage of \$4,000 will remain the same. In addition, the CEA plans to roll out additional low cost optional term life insurance on July



CAPTAINS' ENDOWMENT ASSOCIATION

**Police Department
City of New York**

233 Broadway, Suite 1801
New York, NY 10279

Office: (212) 791-8292
Benefits: (212) 964-7500
Fax: (212) 964-4282
24-Hour Emergency Hotline
(212) 330-0032
www.nypdcea.com
info@nypdcea.com

This newsletter is published quarterly by the **Captains' Endowment Association**.

All rights reserved.

Newsletter Design/Production:

Marci Rosenblum

RWD Group

(845) 364-0222

www.rwdgroup.com

EXECUTIVE BOARD

ROY T. RICHTER
President

CHRIS MONAHAN
1st Vice President

MICHAEL T. ENDALL
2nd Vice President

PATRICK McANDREWS
Treasurer

DIMITRIOS ROUMELIOTIS
Secretary

VINCENT LORUSSO
Sergeant at Arms

BOARD OF DIRECTORS

LOUIS CROCE
Chiefs Representative

MICHAEL HARRINGTON
Inspectors Representative

VINCENT DIDONATO
Deputy Inspectors Representative

PETER GALVIN
Surgeons Representative

CAPTAINS' REPRESENTATIVES

STEPHEN BAYMACK
Quartermaster Section

JAMES KENNY
Detective Borough – Queens

DANIEL MULLIGAN
Chief of Patrol

DANIEL OSIPOWICH
Emergency Service Unit

DENNIS ROY
Communications Division

JOSEPH STRACK
Transit Borough – Manhattan

CHARLES BARBUTI
Bronx DA Squad

LOU MATARAZZO
Legislative Director

LAPIETRA & KRIEGER, PC
General Counsel
(914) 684-6000

UNGARO & CIFUNI, LLP
Disability Attorney
(212) 766-5800

SEELIG LAW OFFICES, LLC
Labor Attorney
(212) 766-0600

This March 30 will mark a full year since the SOC has had to last dip into its reserve balance that the SOC has gone 12 months without drawing upon our reserve balance.

1, 2010. This optional life insurance coverage will provide additional insurance up to \$500,000 for members that will be deducted from their paycheck and can be continued after the member retires from the Police Department. The pricing structure and enrollment instructions will be forwarded to you in the near future.

April 1 will also mark the next 4% collective bargaining increase in the CEA base pay wage structure. I am working to obtain the date this increase will be reflected in our paychecks and will advise you in a future correspondence.

COMPSTAT / MARIST COLLEGE SURVEY

Recent media reports inaccurately portrayed the results of a survey sent out to retired members of the Captains Endowment Association ("CEA") to reflect a perception that the Compstat process forces Captains to improperly alter crime complaints to reduce the number of reported felony index crimes. This portrayal is false and does a disservice to the success of the NYPD in reducing crime over the past decade and improving the quality of life for the citizens of New York City. This portrayal also unfairly calls into question the ethics and hard work being performed by our current Commanding Officers.

The original survey was sent to 1,197 retired officers in the rank of Captain through Chief from the New York City Police Department in June of 2008. 491 of the retired officers responded. The four-page questionnaire was to measure the effectiveness of the Compstat process on policing in New York City from the police executive point of view. The survey also asked questions about the internal process of the Police Department and the CEA's effectiveness in addressing retirees' needs. The survey did not identify members by their retirement date other than whether they retired before or after 1995, the inception of the Compstat program.

The survey disclosed that maintaining integrity and service to the public were the most important criteria in police work. The Compstat process was identified as being an effective method

to reduce crime and improve management effectiveness. Conversely, the Compstat process was also found to increase tension among management. I was quoted in recent media stories stating the Compstat process is an effective management tool to address and prevent crime and quality of life issues, but when the process is used to subject an individual Captain to ridicule in front of their peers it loses its effectiveness. Commissioner Kelly voiced his belief that the Compstat process required closer monitoring in a recent *Daily News* editorial relaying a description of Compstat "as 'a blood sport' by a commander who experienced these early meetings 16 years ago."

The CEA obtained a number of videotapes in the last two years of various "Stat" meetings that reflect troubling interaction among Department hierarchy, with Detective Zone Commanders receiving an especially critical review of their performance. This type of interaction is an ongoing concern for the CEA, although we have seen the Compstat process develop into a more professional forum over the last decade and are especially pleased with the appointment of Patrick Timlin as Deputy Commissioner of Operations. Deputy Commissioner Timlin, who retired from the Department as an Assistant Chief in 2002, brings a reputation as a fair and even-handed police manager coupled with a successful career in the private sector in his new role as co-chairman of the Compstat process.

Combined with the professional atmosphere Chief of Department Esposito epitomizes, it is hoped that the process continues to improve. There is no mistake that the "Compstat" process has revolutionized modern policing. It is encouraging that Commissioner Kelly is mindful of the potential hazards associated with the process, but be warned! There is an inordinate media interest surrounding the Compstat process. If you are discovered to have intentionally misclassified a crime report you will be made an example of. This type of misconduct will cause permanent damage, and potentially the end of your career. Suffering through a "bad Compstat" is a much more desirable fate.

CEA ANNUAL SCHOLARSHIP PROGRAM

The CEA is accepting applications for the 2010 College Scholarship Program. Similar to past years, there will be eight \$2,000 scholarships awarded to dependent children of active and retired members in good standing. Applicants must be planning to enroll full-time as an undergraduate in a degree seeking program at a U.S. accredited institution. Seven of the awards will be based upon the child's SAT score. One will be a random selection to be determined in a drawing at the June membership meeting. A photocopy of the SAT score sheet with the applicant's name should be forwarded to Chris Monahan at the CEA Office by June 10. Awards will be presented at the Scholarship Night at Keyspan Park to be held on Wednesday, August 18, 2010.

Retirement Benefits Seminar

Tuesday, May 18, 2010
4:30 p.m.

Antun's Caterers – Queens Village

Developed in conjunction with the Superior Officers Counsel, Lieutenants Benevolent Association and the Executive Development Section, this program will provide attendees with an in-depth look at the Police Pension Fund and related retirement benefits. The specifics of the defined benefit, various options and costs, disability issues, pension loans and 'final loan' considerations, the VSF "Drop" program, income limitations for certain types of employment, and many other topics will be covered in this seminar. Whether your retirement is in the near-term future or not, this seminar will help you stay informed.

CEA Increases Life Insurance Benefit

We are pleased to inform you that, after a careful search, we are changing our Life Insurance carrier. Effective April 1, 2010. The Hartford will replace Metlife and become the new carrier for the Captain's Endowment Association's Group Life Insurance program.

Please note that your benefits under this new program will be increased at no additional cost. The new Basic Life benefit maximum will be \$175,000. This is

a \$25,000 increase from our previous benefit!

We have the opportunity to provide additional Life Insurance for you and your dependents. We are currently working with Hartford to announce a Supplemental Life Insurance program that will allow you to purchase up to 3Xs your annual earnings for a benefit maximum of \$500,000 for yourself. More details to follow.

The Hartford is one of the leading insurance providers of employee benefits programs and has a strong reputation for providing a high level of service to its customers. We are confident that you will experience noticeable benefits with the change to The Hartford.

Some advantages of this change include:

- ❖ Automatic set-up of an interest bearing checking account for Life claim payments, giving you or your beneficiary a safe and flexible place to hold funds while you make difficult financial decisions
- ❖ Beneficiary Assist — At no cost, provides grief, financial and legal counseling to help people cope with loss.
- ❖ Will Prep — At no cost, employees can create a customized, high quality online will.
- ❖ Travel Assist — Members and their dependents can access a wide range of pre-trip informational services and emergency assistance when traveling

100 miles or more from their primary residence (national or international travel) for 90 days or less.

- ❖ Life Conversations — Program that helps you and your family with making decisions on funeral preparations, etc.

We are confident that the transition to The Hartford is the right choice in making these benefit plans more user-friendly and accessible.

City to Perform Audit of Medicare Eligible Retirees

When a City of New York retiree becomes eligible for Medicare at age 65 OR through special provisions of the Social Security Act for the Disabled (under age 65 and receiving Social Security Disability payments), the retiree's first level of health benefits coverage is provided by Medicare. The City of New York is currently performing a review of retirees who are Medicare eligible and have not elected to enroll in the Medicare Part B program and will seek to discontinue those persons' health insurance coverage.

In order to maintain maximum health benefits and avoid excess premium and out of pocket costs, it is essential that you enroll in Medicare Part B. You must contact Social Security during the General Open Enrollment period which ends March 31, 2010 to enroll in Medicare Part B. Your Medicare Part B will be effective July 1, 2010. If you do not have



NEWS BRIEFS

Medicare Part B by July 1, 2010 your health coverage with Empire will be terminated. You could then be responsible for any medical expenses you incur.

The City reimburses the monthly basic Medicare Part B premiums for those enrolled in a Medicare plan through the City of New York Health Benefits Program. The reimbursement is issued once a year, usually in August for the prior calendar year. In order to receive the reimbursement, a retiree and or/covered dependent must send a copy of the Medicare card, showing the Medicare Part A and Part B effective dates, to the Health Benefits Program, 40 Rector Street, 3rd floor, New York, N.Y. 10006. Further details about City coverage for Medicare-Eligible retirees can be found in the Summary Program Description available on the Office of Labor Relations website at www.nyc.gov.olr.

If you are covered under Medicare Part A, but originally opted not to apply for Medicare Part B, now's your opportunity to enroll in Part B. The general enrollment period runs through March 31. But first, you may be wondering: what are Parts A and B? And why would someone get one and not the other? Here are the nuts and bolts.

Medicare Part A (hospital insurance) helps pay for inpatient care in a hospital or skilled nursing facility following

a hospital stay, some home health care, and hospice care.

Medicare Part B (medical insurance) helps pay for doctors' services and many other medical services and supplies not covered by hospital insurance.

When you first become eligible to apply for Medicare Part A, you also have the option of enrolling in Part B for a monthly premium. Some people decide not to because they do not want to pay the premium or for other reasons. As a City of New York retiree, you are required to enroll in Medicare Part B when you become eligible. This requirement has not been enforced in the past and is currently being reviewed for full compliance.

When you first become eligible for Part A, you have a seven month period (your initial enrollment period) in which to sign up for Part B. After the initial enrollment period, you can only sign up during a later year's general enrollment period.

Each year, the Medicare general enrollment period runs January 1 through March 31. Your coverage begins the following July. But keep in mind that for most people, the monthly premium increases 10 percent for each 12-month period you were eligible for, but did not enroll in, Medicare Part B. Learn more about Medicare by reading Social Security's publication on the subject at www.socialsecurity.gov/pubs/10043.html.

You also can learn a lot about Medicare by visiting www.socialsecurity.gov and selecting "Medicare" at the top of the page on the right side. Or visit Medicare's Web site at www.medicare.gov.

Changes in Federal Withholding Tax Reduces Net Monthly Pension Payments

The CEA has received a number of calls from retirees who have seen a reduced net monthly pension payment deposited in their accounts. The reductions have ranged from \$33 to \$66 per month. The Police Pension Fund has informed us that the reduction was due to the expiration of the "Making Work Pay" provisions of the national American Recovery Act. This Act provided a credit of between \$400 to \$800 to persons' annually. The credit was paid by reducing income tax withheld from a retiree's monthly pension check beginning last January. With the expiration of the Act's provisions, withholding tables have reverted to previous levels resulting in a lower monthly net pension payment. If you want to return to the net pension payment of last year you must increase your withholding by filing a new W-4P with the Pension Fund. This form can be obtained by visiting the Pension Fund website at www.nyc.gov/nycppf, or calling (212) 693-6888. There has been no reduction in your gross Police Pension Fund payment.

Reservations are being accepted at the CEA office for the next

ANNUAL GOLF OUTING

at Sunny Hill Resort located in Greenville, New York. This year's outing will be Thursday, July 1 - Saturday, July 3. Prices for Golfers: \$275 (includes green fees and cart); Non-Golfers: \$225; Children age 4-10: \$40; age 11-16: \$100. All prices include a two-night stay and six meals (based on double occupancy). For more information, please contact Ada Resnick at (212) 791-8292.



1ST





OUTING



*This year's outing will be
Thursday, July 1 - Saturday, July 3.
Make your reservations now.*



ABOUT OUR MEMBERS

Celebrations
 In Memoriam
 Promotions
 Births
 Honors



IN MEMORIAM

Ret. NYPD Chief & CEA Retiree Representative



JOSEPH VEYVODA

a 37-year Department veteran who once ran the Organized Crime Control Bureau, died Sunday, December 6, 2009, from injuries suffered in a car accident. He was 88 years of age. Joe had served as the Retiree Representative of the Captains' Endowment Association for the last two

decades, until his death. Raised in Maspeth, Queens, Chief Veyvoda joined the NYPD in 1946 after serving as a Marine Corps tail gunner aboard a torpedo bomber in the Pacific theater during World War II. In addition to his stint as Chief of the Organized Crime Control Bureau, Veyvoda served as Chief of Personnel and Chief of Patrol. As such, he was one of a select few Department veterans to have held three different three-star commands as a Department Chief, the NYPD said in a statement. Veyvoda - who is survived by two children, four grandchildren and three great-grandchildren - was buried in St. John's Cemetery in Queens on Friday, December 11. "He was a great guy," said his second wife, Isabelle. "Everybody loved him. I am going to miss him terribly."

IN MEMORIAM

Former CEA President



WILLIAM P. KELLY

Former CEA President William P. Kelly, 75, died December 27, 2009 after a long bout with cancer. Bill, as he was fondly called, leaves behind his loving wife Annemarie (Holt) Kelly and three sons; William, Gregory, and Christopher, all of whom are married with a total of five grandchildren. Bill Kelly was promoted to

Captain on January 28, 1972, and was the President of the Captains' Endowment Association for 12 years before his retirement on January 27, 1997. A Mass of Christian Burial was held at St. Rose of Lima Church, Newtown, CT, followed by interment at St. Rose Cemetery. In lieu of flowers, contributions were accepted by the NYPD Captains' Endowment Association Scholarship Fund, in Memory of William P. Kelly. A special scholarship award will be presented at this summer's annual CEA Scholarship Night at Keyspan Park.

UPCOMING EVENTS

General Membership Meetings

Wednesday, April 7

Villa Barone
10:00 a.m.

Tuesday, May 11

El Caribe
10:00 a.m.

Retirement Seminar

Tuesday, May 18

Antun's Catering Hall
4:30 p.m. - 9:30 p.m.

BBQ at the Hillside Swim Club

Tuesday, June 8

Staten Island
1:00 p.m.

Golf Weekend at Sunny Hill
Thursday, July 1 - Saturday, July 3

Scholarship Night at MCU Park
Wednesday, August 18

POLICE PERJURY

Federal Judge Jack Weinstein, one of the most recognized and respected jurists in the Country, recently said that there is "repeated widespread falsification" by New York City Police Officers regarding the arrests they make.

In November 2009, the Daily News reported that the NYPD had no follow-up mechanism for tracking the cases in which the Department was civilly sued for alleged perjury by its officers. According to the newspaper, starting in the latter part of 2009, the Department started looking for patterns of Police Officer perjury. These are troublesome times for all ranks within the NYPD. There are currently more than 40 officers of lower rank with pending administrative charges alleging acts of perjury in the Department Advocate's Office. Many of these officers are persons our executives have relied upon to address and correct emerging crime conditions in their command. Simple omissions of "informed by" and wording of details in arrest paperwork and courtroom affidavits have placed these officers in jeopardy of losing their career.

Much of this comes on the heels of the tragic case of Detective Christopher Perino, who was convicted of perjury in June 2009 after being secretly taped by 17-year-old Erik Crespo, who had been on trial for attempted murder. Prosecutors were forced to drop the attempted murder charge after Crespo's lawyers turned over the recordings as evidence of his interrogation, after Detective Perino denied that an interrogation took place. At Detective Perino's subsequent perjury trial, the defense partly turned on the theory of memory lapse. It was argued that at worst, Detective Perino committed a mere "technical" violation. Seemingly, his questioning of Crespo was not "interrogation" in the traditional sense. Detective Perino was simply doing his job and his intentions were good. Ostensibly, any member questioning a suspect could find himself in Detective Perino's situation. This was simply routine police work being taken out of context. So, how could this be perjury?

Regrettably, a Bronx Jury found that this was perjury. Detective Perino is

now a convicted felon, without a job or a pension. Unimaginably, the father of four and 22-year veteran is now facing jail time pending his appeal.

What are we as CEA members to make of all this? There is no simple answer. Our members must be aware of the fact that every member giving testimony, whether in criminal court or civil court, is subject to ever increasing scrutiny by defense lawyers, plaintiff's attorneys, the Courts and the media. Members are well advised to consult with their own counsel prior to testifying in any case. As the CEA's general counsel, I cannot over stress the importance of this. You, the individual member, are the client. This is part of YOUR legal benefits plan, and we strongly encourage you to use it. If you become aware of having to testify in any proceeding, please call us before you have to testify. Someone once said: "the wise man (or woman) doesn't give the right answers, he poses the right questions." As your attorneys, we are always here for you. Call us.

Louis LaPietra
Lapietra & Krieger PC
(914) 684-6000

IN THE NEWS

CEA UPDATES AND NEWS OF INTEREST

This past January the Superior Officers Council ("SOC") filed a Complaint in a lawsuit against Empire BlueCross ("Empire") seeking the recovery of more than \$6 million in prescription drug rebates paid to them in the past six years and not returned to our Welfare Fund. Until their services were terminated in January 2009, Empire had managed our drug plan since 1982. In 2002, Empire further agreed to provide consulting services to our Fund while also continuing to administer the drug benefit. During the last three years, we discovered that Empire had been submitting rebate requests to pharmaceutical manufacturers based upon our members' drug use and not disclosing or returning these rebate monies to us. These rebate payments were in excess of \$1 million per year. While the SOC was successful in obtaining 75% of these rebates in calendar year 2008 from Empire, we were denied any share of rebates for any earlier drug claims. Prior to filing a lawsuit against Empire, the SOC attempted to mediate our claim before a neutral arbitrator. These efforts were unsuccessful and our only recourse was to seek judicial intervention. At right is an article that appeared in the *New York Times* detailing our complaint and Empire's response. We will keep you updated as the matter progresses.

The New York Times

JANUARY 28, 2010

Fighting for Money From Drug Fund

By AL BAKER

Facing insolvency in the fund that pays the prescription drug costs for thousands of active and retired police commanders, the unions representing those officers are heading to court in an effort to recoup millions of dollars, a union official said.

The Superior Officers Council is seeking \$6 million in damages from Empire BlueCross BlueShield, the former administrator of the drug program, said Roy T. Richter, the president of the Captains Endowment Association.

In court papers filed in State Supreme Court in Manhattan, the unions for captains and lieutenants are contending that the prescription benefit manager has, for years, failed to pass on lucrative rebates earned on the purchase of name-brand drugs by the council's members to the council's health and welfare fund, as required.

Since 2002, the amount of the rebates adds up to, "at least \$6 million," Mr. Richter said.

"As a result of Empire taking this money, we've had to reduce the benefits we can give our members," he said. "Some of the members facing serious health problems have had to lay out thousands of dollars from their own pockets to purchase drugs to treat their ailments."

Sally L. Kweskin, a spokeswoman for Empire BlueCross BlueShield, said the company had not yet seen the union's complaint, but was aware of it claims based on documents filed in court in December.

"We believe the lawsuit to be without merit from the information we have," Ms. Kweskin said. "The Superior Officers Council of the N.Y.P.D.'s prescription drug group contract provided for pharmaceutical drug rebates only if the group elected to have a drug formulary, which they decided not to do."

Mr. Richter said the case possibly has wider ramifications for the city — and provides a lesson in the current national debate over health care. If it can be proven that Empire subverted money from both patients and their providers in this small case, who can say how widespread the practice is, he said.



WHEN IS A DISABILITY “ACCIDENTAL”?

As disability counsel to the CEA, we frequently receive questions regarding whether a member's injury is “accidental” within the limited meaning of the Administrative Code § 13-252 – the section that governs retirement for accident disability for members of the Police Pension Fund.

Members are often surprised to learn that merely documenting an injury as having occurred in the line of duty may not necessarily qualify the injury as an “accident.” Injuries sustained during routine acts, even if they are performed in the furtherance of an arrest or during the performance of police duties, do not qualify as an accident. The accidental nature of an injury must be clearly documented.

In determining whether an accident has occurred, the Courts have adopted the common sense definition of a “sudden, fortuitous mischance, out of the ordinary and injurious on impact.” The courts hold that an injury is not accidental if it occurs without an unexpected event, such as the result of activities undertaken in the performance of ordinary employment duties. A precedent setting case denied a police officer who was injured while leaning over to place ticket on a windshield. His injury was exertional and sustained during the routine performance of duty, resulting in his disability not qualifying for a three quarter retirement under the Code.

SUDDEN, AND INJURIOUS ON IMPACT. The precipitating cause of the injury must not be the result of a mere exertional strain, gradual degeneration or worsening.

FORTUITOUS MISCHANCE, OUT OF THE ORDINARY. A qualifying injury must not be sustained as part of member's routine and ordinary duties nor a normal foreseeable risk of the work he or she performed as a police officer.

WILLFUL NEGLIGENCE. It cannot be held that the member's own willful negligence caused his disabling injury.

The accidental designation of an injury can result in a member receiving a retirement allowance which is substantially greater than an ordinary disability or service retirement and therefore any report should be prepared with great care. Injury Reports can wait until after medical treatment, or when you can devote attention to insure that the accidental details of the event are documented accurately. It is critical that injury reports specifically list the “accidental” nature of injuries at the time at the time they are prepared. For example, a report that merely states “injured knee exiting rmp” will, at worst, result in a later determination of a non accident. At best, the member will need to file amendments which will be viewed with great scrutiny later on. However, a report of the same oc-

currence which carefully details the accidental nature of the injury, will likely result in that injury being designated an “accident.” The following example contains the essential elements necessary to sustain an accidental designation under law and significantly elevate the likelihood of a finding of accident under the Code. “While responding to a 10-30 in progress, I sustained an injury exiting rmp as the result of an unexpected slip on an unseen oily substance which caused me to twist my right knee, fall and strike the ground, causing immediate pain to my right knee.”

As a service to CEA members, the firm of Ungaro and Cifuni are available to assist CEA members with the proper preparation of injury reports or to help with other related disability issues. We may be reached at 212 766-5800 our website address is <http://nycdisabilitylaw.com/>

This information is not meant to cover every situation, it is, instead a general statement of one aspect of disability law and procedures. It is not to be used as a substitute for specific legal advice from an attorney.

Robert A Ungaro, Esq.
Ungaro & Cifuni, LLP

PROMOTIONS

SINCE SEPTEMBER 2009:

SEPTEMBER 29, 2009

To Inspector:
Raymond Rooney
Robert T. Sharpe
James W. Kehoe
Robert Mullane

To Deputy Inspector:
William Pla
Thomas J. Barrett
Brian J. Maguire
Brian A. McGinn
John F. Scolaro
Scott T. Probeck

OCTOBER 8, 2009

To Chief of Detectives
Phil T. Pulaski

NOVEMBER 2, 2009

To Captain:
Maria E. Codd-Perez
Robert J. Carr
Natalie A. Maldonado
James A. Marron
Joseph Simonetti
John F. Sanford
Alex Markov
Neil F. McEleney
Adam Labadie
William F. Brooks

NOVEMBER 24, 2009

To Assistant Chief:
Gary Strebel

To Deputy Chief:
Michael A. Blake

DECEMBER 23, 2009

To Deputy Chief:
James N. McCarthy

To Inspector:
Dennis E. Dequatro
Stephen J. Hughes

To Deputy Inspector:
Anthony M. Tasso
Elisa A. Cokkinos
Thomas P. Shea

To Captain:
Patrick A. Rafferty
Richard P. Avignone
James F. Crescitelli
Charles M. Hammer
Flamur Cani
Marash Vucinaj

To Captain:
Roberto Rios
Constantine G. Tsachas
Perry Natale
Eric P. Mullin
Sean P. Finn

JANUARY 27, 2010

To First Deputy
Commissioner
Rafael Pineiro

To Chief of Personnel:
Thomas V. Dale

To Assistant Chief:
Michael E. Shea
Thomas M. Chan

To Deputy Chief:
Joseph R. Riley

To Inspector:
Joseph M. Herbert

To Deputy Inspector:
Nancy Barry
Christopher G. Tamola

Prst First Class Mail
PAID
US Postage
Albany, NY
Permit #370

CAPTAINS'
ENDOWMENT
ASSOCIATION
233 Broadway, Suite 1801
New York, NY 10279

