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MATTER OF MURPHY v. BRATTON

225 A.D.2d 411 (1996)

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640 N.Y.S.2d 17

In the Matter of Elizabeth Murphy, Appellant, v. William Bratton, as Police Commissioner of The City of New York, et al., Respondents

Appellate Division of the Supreme Court of the State of New York, First Department.

March 19, 1996

Petitioner failed to establish entitlement to such benefits by demonstrating that his loss of hearing was the natural and proximate result of a service-related accident, which is a prerequisite to a grant of accident disability pension benefits (*Matter of Canfora v Board of Trustees*, [60 N.Y.2d 347](#), 352; *Matter of Ortiz v New York City Employees' Retirement Sys.*, [173 A.D.2d 237](#), *lv denied* 78 N.Y.2d 864). Petitioner's participation in firing exercises at the firing range was a part of her routine duties as a police officer and the hearing loss sustained as a result was not the kind of sudden and unexpected event necessary to constitute an accident (*see, Matter of Schussler v Codd*, [59 N.Y.2d 698](#), 700, citing *Matter of Lichtenstein v Board of Trustees*, [57 N.Y.2d 1010](#)). Rather, the hearing loss "was a risk inherent in petitioner's regular duties" (*Matter of Hambel v Regan*, [174 A.D.2d 891](#), 892-893, *affd* [78 N.Y.2d 1092](#)).

We have considered petitioner's other arguments and find them to be without merit.

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