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#256



New York State and Local Retirement Systems
Employees' Retirement System
Police and Fire Retirement System
Gov. Smith State Office Building, Albany, New York 12244

MAR 28 1988

Office of State Comptroller
State of New York

IN REPLY REFER TO

ONONDAGA COUNTY
CIVIC CENTER - 14TH FLOOR
421 MONTGOMERY ST
SYRACUSE NY

13202

3012569 2

02/24/88
001

DEAR SIR


WE ARE PROCESSING AN APPLICATION FOR ACCIDENTAL
DISABILITY RETIREMENT FOR ANTHONY M CAPRIA WHO ALLEGES
AN ACCIDENT SUSTAINED ON 12/12/85 .

WILL YOU KINDLY FURNISH THIS OFFICE WITH A STATEMENT COVERING
THIS OR ANY OTHER ACCIDENT SUSTAINED BY THE CLAIMANT TOGETHER WITH A
SCHEDULE OF LOST TIME DUE TO EACH. IF A REPORT WAS FILED WITH THE
WORKER'S COMPENSATION BOARD, PLEASE ADVISE US OF THE DATE, AND IF
AVAILABLE, SUBMIT A COPY OF THE REPORT TO OUR OFFICE.

FOR USE BY OUR MEDICAL BOARD IN RENDERING A DECISION ON THIS
CASE, WOULD YOU ALSO FURNISH THIS OFFICE WITH A DETAILED STATEMENT
OF DUTIES AS PERFORMED BY THE CLAIMANT AS DEPUTY SHERIFF

AN EARLY REPLY DIRECTED TO THE ATTENTION OF THE DISABILITY
BENEFITS SECTION WILL BE APPRECIATED.

PLEASE INCLUDE MEMBER'S REGISTRATION NUMBER ON ALL
CORRESPONDENCE.

VERY TRULY YOURS 
MAR 03 1988

SUSAN RONESI
ASSOCIATE RETIREMENT
BENEFITS EXAMINER

RS 6104 (REV 11/78)

3/22/88
Note: additional information has been sent
under separate cover by the Sheriff
(Mrs) Edith Gorney
Comptroller's office

JAN 06 1989

File # 16

(5)

THE FOLLOWING PERSON(S) WITNESSED THE ACCIDENT(S):			TYPE 3		
Witness Name Deputy Richard Drumm	Witness Name Deputy Timothy Minahan	Witness Name	Address No. Street 407 S. State Street	Address No. Street 407 South State Street	Address No. Street
City Syracuse	State N.Y.	Zip Code 13202	City Syracuse	State N.Y.	Zip Code 13202

Date(s) of Accident(s): December 12, 1985

Accident(s) Occurred at (Location)
Onondaga County Public Safety Building Jail, 2nd Floor, Syracuse, New York

The description of my accident(s) is as follows: (Use additional sheets if required)

While on duty on the above date, at approximately 0012 hours, I was restraining an inmate, Murah Soyah. While restraining him, I was pushed against the wall of the cell, with my back striking the wall and the edge of the bunk in the cell, while subduing the inmate. I was pushed against the walls several times, with my back and chest area being struck several times.

DUAL MEMBERSHIP
 If you are a member of both retirement systems (the New York State Employees' Retirement System and the New York State Policemen's and Firemen's Retirement System), please check box.
 NOTE: In accordance with the Federal Privacy Act of 1974 you are hereby advised that disclosure of your Social Security account number is mandatory pursuant to Section 11, 34, 311 and 334 of the Retirement and Social Security Law. Your number will be used in identifying your retirement records and in the administration of the Retirement System.

WORKERS' COMPENSATION
 Any benefit payable by the Retirement System because of Accidental Disability Retirement must be reduced by the amount of any benefits determined to be payable under the Workers' Compensation Law. If Workers' Compensation benefits are payable, member must apply for them.

INFORMATION ABOUT YOUR INTENDED BENEFICIARY

Beneficiary's Name Jacqueline Capria	Relationship to you (if any) Spouse
Address (No. and Street) 7722 Bainbridge Drive	Beneficiary's Social Security No. Female
City and State (include Zip Code) Liverpool, New York 13090	Date of Birth July 24, 1962

I hereby waive the confidential character of any records, reports or data relating to my mental or physical condition and hereby authorize the release of all such information by physicians, institutions and agencies to the Medical Board of the Retirement System. This authority waives any rights of privacy between myself and any physician, institution or agency. A copy of this waiver may be used in lieu of the original.

State of New York
 County of Onondaga

On the 5th day of February, 1988
 before me personally appeared ~~XXXXXXXXXXXXXXXXXXXX~~ John C. Dillon
 to me known and known to me to be the same person described in and who executed the foregoing instrument, and he did acknowledge to me that he executed the same.

Thomas G. Murphy
 (Notary Public - Please affix stamp or seal)
 THOMAS G. MURPHY
 Notary Public in the State of New York
 Onondaga County No. 4773
 My Co. Expires 10-31-88

John C. Dillon
 JOHN C. DILLON, as SHERIFF of Onondaga County, pursuant to Section 207-C of the General Municipal Law of the State of New York

Ralph A. Cagnetti
Attorney and Counselor at Law

*Also Admitted to PA Bar

October 12, 1992

Edward F. Gerber, Esq.
825 University Building
120 E. Washington Street
Syracuse, New York 13202

Joseph E. Fahey, Esq.
State Tower Building
Syracuse, New York 13202

Larry Williams
County Attorney Office
421 Montgomery Street
Syracuse, New York 13202

Pat Quinn,
Assistant District Attorney
Onondaga County District Attorney's Office
Civic Center, 12th Floor
Syracuse, New York 13202

RE: Anthony Capria vs. Onondaga County, et al

Gentlemen:

I have had an opportunity to discuss this case at great length with Anthony Capria. I have informed him as to the discussions had at the District Attorney's Office several weeks ago. Despite the fact that both he and I think this is a case with a great deal potential for success he is at the present time amenable to resolving the case based upon the following numbers.

Mr. Capria will sign any and all releases based upon the payment to him of his salary plus interest at the rate of nine percent since January of 1987. That amount computes to roughly \$160,360.00. Additionally, Mr. Capria has since the date of his removal from 207-C status incurred approximately \$75,000.00 in judgments based upon his failure to keep current because of the dramatic decrease in his annual income. That amount totals \$75,000.00 and includes the present foreclosure of his home. Finally, we would expect that he would immediately be returned to 207 subC status as a sergeant with the Onondaga County Sheriff's Department. That total amount equals \$235,360.00, approximately.

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Please understand the trauma and hardship that he has undergone over these past four years during which time he has not received his salary and the years prior to that time when he was being abused by members of the Onondaga County Sheriff's Department. Because of the loss of his job he has been divorced, he no longer has any credit, no car or nor any of the other accoutrements that he had prior to his "early retirement" .

We understand that the Onondaga County Sheriff's Department and Onondaga County perhaps find themselves in a financially tight situation, however, that is not in our immediate concern. However, we are more than willing to work out some type of payment schedule as long as we receive interest computed at nine percent. Of course, the \$75,000.00 must be forthcoming immediately in order for Tony to keep the home in which his children have been raised.

As I understand it, the Examination Before Trial of Mr. Loehr is to take place on the 26th of October, 1992 at 10:00 am. We have every plan of going forward with this Examination Before Trial unless we can reach a satisfactory conclusion and sign whatever releases are required.

I look forward to speaking with each of you in the very near future.

Very truly yours,



RALPH A. COGNETTI, ESQ.

RAC/am

1 NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM

2 In the Matter of the Application of

3 Anthony M. Capria

4 Reg. No. 30125892

5 H. C. No. 89-236



6 Pursuant to Section 374 of the Retirement and
7 Social Security Law for a hearing and
8 redetermination of whether the applicant can
9 receive credit for service rendered while a member
10 of the New York State and Local Employees'
11 Retirement System.

12 The above-entitled matter came on for
13 hearing at the Benefits Room, 11th Floor, Gov. Alfred
14 E. Smith Office Building, Albany, New York 12244,
15 commencing at 10:00 a.m., on January 18, 1990.

16 BEFORE:

17 THE HONORABLE DE FOREST PITT

18 APPEARANCES:

19 EDWARD V. REGAN, State Comptroller
20 NYS Retirement System
21 Alfred E. Smith Building
22 Albany, New York 12207
23 By: CARL STEPHEN, ESQ.
24 Appearing on behalf of the Retirement System

25 RALPH A. COGNETTI
Love and Balducci, P.C.
1300 State Tower Building
Syracuse, New York 13202

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HEARING OFFICER PITT: Let the record note Mr. Cognetti for Mr. Harnett, is that correct?

MR. COGNETTI: That is correct, your Honor.

HEARING OFFICER PITT: Is everybody ready?

MR. STEPHEN: This is the official hearing in the Matter of the Application of Anthony M. Capria. Mr. Capria's Registration Number in the Retirement System is 30125892. This is Hearing Case No. 89-236. This hearing is being held pursuant to Section 74 of the Retirement and Social Security Law for redetermination concerning an award of Article 15 disability retirement benefits to Mr. Capria.

Before we get into the substance of the case, I would like to offer into the record some exhibits of a jurisdictional nature. The first is the designation of the Honorable DeForest Pitt to act as Hearing officer in this Matter. This is dated December 13, 1989 and it is signed by John S. Maus, Deputy

Comptroller of the State of New York.

I will show this to Mr. Cognetti.

HEARING OFFICER PITT: No objection, received into evidence as Systems No. 1.

(Whereupon the document was received into evidence as System's Exhibit No. 1.)

MR. STEPHEN: As System's No. 2, the application for Article 15 Disability Retirement of Mr. Capria. I note that this application was not filed by Mr. Capria, but by the Sheriff of Onondaga County, John C. Dillon, and I am offering this document only to show that the document was filed with the Retirement System which is an application for disability retirement benefits.

MR. COGNETTI: For the record, Judge, I would like to note that Mr. Capria, obviously, did not sign this, did not review it and never gave Mr. Dillon or any of his subordinates authorization to prepare what appears to be first person narrative. Other than this, I have no objection to its introduction.

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