

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

**1624**

**TP 05-01638**

PRESENT: HURLBUTT, J.P., SCUDDER, GORSKI, AND SMITH, JJ.

---

MATTER OF KEVIN MORSMAN, PETITIONER,

V

MEMORANDUM AND ORDER

COUNTY OF ALLEGANY, ALLEGANY COUNTY MUTUAL  
SELF INSURANCE PLAN AND ALLEGANY COUNTY  
SHERIFF'S DEPARTMENT, RESPONDENTS.

---

NEW YORK STATE LAW ENFORCEMENT OFFICERS UNION DISTRICT COUNCIL 82,  
AFSCME, AFL-CIO, ALBANY (MATTHEW P. RYAN OF COUNSEL), FOR PETITIONER.

COUGHLIN & GERHART, L.L.P., BINGHAMTON (MARY LOUISE CONROW 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 order of the Supreme Court, Allegany County [Michael L. Nenno, A.J.], entered May 27, 2005) to review a determination of respondent County of Allegany. The determination found that petitioner was no longer entitled to General Municipal Law § 207-c benefits.

It is hereby ORDERED that the determination be and the same hereby 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 no longer entitled to benefits under General Municipal Law § 207-c because a knee injury he sustained in July 2002 was not causally related to an on-the-job injury he sustained in August 1999. Contrary to petitioner's contention, the determination is supported by substantial evidence (*see generally 300 Gramatan Ave. Assoc. v New York State Div. of Human Rights*, 45 NY2d 176, 181-182). The Hearing Officer was entitled to weigh the parties' conflicting medical evidence and to assess the credibility of the witnesses "and, so long as the inference[s] drawn and the ultimate determination made are supported by substantial evidence, it is not for [this C]ourt to substitute its judgment for that of the [Hearing Officer]" (*Matter of Shorts Bar of Rochester v New York State Liq. Auth.*, 17 AD3d 1101, 1102).

Entered: February 3, 2006

JOANN M. WAHL  
Clerk of the Court