



State of New Jersey

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Governor

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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October 1, 2025

JOHN D. MEGARIOTIS
Acting Director

Sent via email to: sgaylord@szaferman.com

SZAFERMAN, LAKIND, BLUMSTEIN & BLADER, P.C.
Samuel M. Gaylord, Esq.



RE: Suzanne Cooley
TPAF [REDACTED]
OAL DKT. NO. TYP 00867-22

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dear Mr. Gaylord:

At its meeting on September 4, 2025, the Board of Trustees of the Teachers' Pension and Annuity Fund ("TPAF") considered the Initial Decision ("ID") of the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), dated July 3, 2025,¹ together with the evidence submitted by the parties, the exceptions filed by Deputy Attorney General ("DAG") Matthew Melton, dated July 23, 2025,² your statements to the Board and those of DAG Melton. Thereafter, the Board voted to reject the ALJ's decision that Suzanne³ Cooley is entitled to Accidental Disability ("AD") retirement benefits, thereby affirming its original determination. The Board directed the Secretary to prepare the Findings of Fact and Conclusions of Law as outlined below, which were approved by the TPAF Board at its meeting on October 1, 2025. This will constitute the Board's Final Administrative Determination in this matter.

¹ The Board requested and was granted an extension of time to issue its final administrative determination.

² The exceptions were timely submitted under a granted extension.

³ The ID incorrectly states the petitioner's first name is spelled Susanne, but the correct spelling is Suzanne.

PROCEDURAL HISTORY AND FACTUAL FINDINGS

The Board adopts the ALJ's factual findings as they are supported by sufficient credible evidence in the record. Rooth v. Bd. of Trustees, Public Employees' Retirement System, 472 N.J. Super. 357 (App. Div. 2022).

On March 25, 2021, Cooley applied for an AD retirement benefit, based upon an incident that occurred on December 12, 2017. Cooley testified she received a call on her radio during a meeting with the vice principals, which alerted her there was a commotion in the girls' lavatory. (ID at 3). One of the vice principals left the meeting to handle the matter. (ID at 4). The vice principal returned and informed Cooley that he saw something hanging in the girls' lavatory and that she needed to come. Ibid. On the way to the lavatory, the vice principal informed Cooley that a student hung herself. Ibid. When Cooley arrived, the student had already been cut down by a teacher and the school nurse was administering cardiopulmonary resuscitation ("CPR"). Ibid.

At its meeting on December 2, 2021, the Board denied AD retirement benefits, but granted Ordinary Disability ("OD") retirement benefits because it found Cooley was totally and permanently disabled from the performance of her job. (J-4). The Board determined that although the incident was identifiable as to time and place, occurred during and as a result of the performance of her regular or assigned duties, and was not the result of willful negligence, it was not undesigned and unexpected. Ibid. The Board further determined Cooley's disability was not a direct result of the said incident but rather was [REDACTED] [REDACTED] that were exacerbated by the incident. Ibid. The Board also could find no evidence that the event was objectively capable of causing a reasonable person in similar circumstances to suffer [REDACTED]; as her disability did not result from "direct personal experience of a terrifying or horror-inducing event that involved actual or threatened death or serious injury, or a similarly serious threat to the physical integrity of the member or another person." Ibid. (quoting Patterson v. Bd. of Trs., State Police Ret. Sys., 194 N.J. 29, 34 (2008)).

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On July 3, 2025, the ALJ issued an Initial Decision and found: (1) Cooley experienced a [REDACTED]

[REDACTED] event; (2) the 2017 incident was undesigned and unexpected; and (3) Cooley proved that her disability was the direct result of 2017 incident and therefore, was eligible for AD retirement benefits. (ID at 16-19).

CONCLUSIONS OF LAW

A TPAF member seeking AD must prove:

1. that [s]he is permanently and totally disabled;
2. as a direct result of a traumatic event that is
 - a. identifiable as to time and place,
 - b. undesigned and unexpected, and
 - c. caused by a circumstance external to the member (not the result of pre-existing disease that is aggravated or accelerated by the work);
3. that the traumatic event occurred during and as a result of the member's regular or assigned duties;
4. that the disability was not the result of the member's willful negligence; and
5. that the member is mentally or physically incapacitated from performing his usual or any other duty.

[Richardson v. Bd. of Trs., Police & Firemen's Ret. Sys., 192 N.J. 189, 212-13 (2007).]

In other words, the member must prove "he or she suffered a total and permanently disabling injury 'as a direct result of an identifiable, unanticipated mishap.'" Brooks v. Bd. of Trs., Pub. Emps. Ret. Sys., 425 N.J. Super. 277, 284-85 (App. Div. 2012) (quoting Richardson, 192 N.J. at 213).

First, the Board rejected the ALJ's determination that Cooley experience a [REDACTED]

[REDACTED] event. (ID at 18). A TPAF member "[REDACTED]

[REDACTED], " may

also qualify for AD.” [REDACTED], 194 N.J. at 33. However, the member must satisfy the following additional “requirement beyond those set forth in Richardson: The disability must result from direct personal experience of a terrifying or horror-inducing event that involves actual or threatened death or serious injury, or a similarly serious threat to the physical integrity of the member or another person.” Id. at 34. The additional requirement for a [REDACTED] claim is intended to ensure “the traumatic event posited as the basis for an accidental disability pension is not inconsequential but is objectively capable of causing a reasonable person in similar circumstances to suffer a [REDACTED].” Ibid. Notably, the additional requirement was a direct response to “legitimate concerns about becoming bogged down in litigation over idiosyncratic responses by members to inconsequential [REDACTED].” Mount v. Bd. of Trs., Police & Firemen’s Ret. Sys., 233 N.J. 402, 423 (2018) (quoting Patterson, 194 N.J. at 48-49).

The “jurisprudence construing N.J.S.A. 43:16A-7(1)’s ‘traumatic event’ language mandates a two-step analysis in cases in which a member claims permanent [REDACTED] as a result of an exclusively [REDACTED].” Id. at 426. As such, “[i]n a [REDACTED] case, [REDACTED] is the threshold that must be met for further inquiry to be warranted.” Russo v. Bd. of Trs., Police & Firemen’s Ret. Sys., 206 N.J. 14, 32 (2011). “If the member meets [REDACTED] threshold requirement, the court then applies the [REDACTED] test; if he or she fails to do so, the court denies accidental disability benefits without applying the [REDACTED] test.” Mount, 233 N.J. at 407 (citing [REDACTED] 194 N.J. at 34). Examples of [REDACTED] events are a “policeman who sees his partner shot; a teacher who is held hostage by a student; and a government lawyer used as a shield by a defendant.” [REDACTED], 194 N.J. at 50.

In Gleisberg, an Egg Harbor Township police officer sought [REDACTED] AD after Melinda, a domestic violence victim, and her cousin, Elizabeth, were fatally stabbed by Melinda’s estranged husband Luis. Gleisberg v. Bd. of Trs., Police & Firemen’s Ret. Sys., 2011 N.J. Super. Unpub. LEXIS 610, at *2-3 (App. Div. Mar. 11, 2011). Upon being told about the Melinda’s

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murder, Gleisberg went to the crime scene, which another officer described as “one of the bloodiest he had ever witnessed,” and saw Melinda’s body. Id. at *3. The Board denied Gleisberg’s application for [REDACTED] AD and noted Gleisberg arrived after “the threat had been ‘neutralized’ and he did not view the violent acts ‘first hand.’” Id. at *1, *12. The court agreed with the Board’s conclusion that Gleisberg failed to satisfy the [REDACTED] standard and ultimately held “Gleisberg did not observe the ‘traumatic event,’ but rather its aftermath.” Id. at 13.

Similar to Gleisberg, Cooley did not experience a [REDACTED] event. If there was an “event,” on December 12, 2017, it was the student’s hanging. However, it is undisputed Cooley did not witness the hanging. “When Cooley arrived, the student had been cut down by a teacher and the school nurse was administering cardiopulmonary resuscitation (CPR).” (ID at 4). Moreover, Cooley never saw a lifeless body, as the student died several days later in the hospital; instead, she saw a student receiving CPR. (1T31:15-21). Thus, as in Gleisberg, Cooley did not observe the “traumatic event,” but rather its aftermath.” 2011 N.J. Super. Unpub. LEXIS 610, at *13.

As such, Cooley’s experience of the suicide was not direct and personal. See Hodavance v. Bd. of Trs., Police & Firemen’s Ret. Sys., 2013 N.J. Super. Unpub. LEXIS 1702, at *8 (App. Div. July 10, 2013) (finding that a police officer who arrived at the grisly murder scene of a dear friend after the crime was committed “did not experience a traumatic event” “because there was no threat of danger to his personal safety when he arrived at the murder scene”). Moreover, Cooley’s idiosyncratic reaction to the student’s death, who she admitted she did not know, does not transform the student’s suicide into a [REDACTED]. Compare O’Neil v. Bd. of Trs., Police & Firemen’s Ret. Sys., 2017 N.J. Super. Unpub. LEXIS 2536, at *7 (App. Div. Oct. 10, 2017) (finding that a police officer who unknowingly responded to his brother’s suicide experienced [REDACTED]), with Nieves v. Bd. of Trs., Police & Firemen’s Ret. Sys., 2015 N.J. Super. Unpub. LEXIS 2831, at *10 (App. Div. Dec. 8, 2015) (finding that a corrections officer who took

inmate's suicide "really personal," because it was "like looking at [her] own child" and "[i]t was the holidays" and his family "was going to mourn him," did not experience [REDACTED]).

Moreover, the [REDACTED] standard is an [REDACTED] reasonable person test that requires the fact-finder to independently assess whether the event was one that would cause a reasonable person in similar circumstances to suffer a disabling injury. Cooley's "idiosyncratic response" in witnessing a student receive CPR is not one that would cause reasonable person in similar circumstances to suffer a disabling injury because Cooley did not actually experience death or serious injury. [REDACTED], 194 N.J. at 49. Where the serious injury or death is suffered by another person, not the member, as is the case here, satisfying [REDACTED] "high threshold" requires that the member have had a significant "sensory experience of the person harmed or in peril." L.P. v. Bd. of Trs., Pub. Emps.' Ret. Sys., 2022 N.J. Super. Unpub. LEXIS 641, *15 (App. Div. April 20, 2022).

Cooley's sensory experience of the December 2017 incident was limited to responding to the aftermath of the event. Cooley was apprised of the situation through a radio call while she was in a meeting, and then by a Vice Principal who had already been to the scene. (1T18:6-25). By the time she arrived to the scene, the student was on the ground, receiving medical attention. (1T20:22-21:12). Thus, Cooley did not personally experience the student as she harmed herself, did not witness the student hanging, nor did she respond to an active situation where she was in any position to prevent the harm. Finally, Cooley never saw a lifeless body, as the student died several days later in the hospital; instead, she saw a student receiving CPR. (1T31:15-21).

Therefore, Cooley's sensory experience of the December 2017 incident did not rise to the level required by our courts for incidents that involve harm to another person. Accordingly, the Board found that Cooley failed to prove that her disability "result[ed]" from direct personal experience of a terrifying or horror-inducing event that involves actual or threatened death or

serious injury, or a similarly serious threat to the physical integrity of the member or another person.” ██████████, 194 N.J. at 33-34.

Second, the Board rejected the ALJ’s conclusion that the December 2017 incident was undesigned and unexpected. (ID at 16-17). In ██████████, the Court concluded that “the polestar of the” undesigned and unexpected inquiry in an AD case “is whether, during the regular performance of his job, an unexpected happening . . . has occurred and directly resulted in the permanent and total disability of the member.” 192 N.J. at 214; see also Brooks, 425 N.J. Super. at 284-85. Two types of unexpected happenings can satisfy the traumatic event threshold: 1) “an unintended external event” or 2) “an intended external event resulting in an unanticipated consequence if that consequence is extraordinary or unusual in common experience.” ██████████, 192 N.J. at 201 (quotation omitted). Further, death or disability is not extraordinary or unusual when the individual was merely doing his usual work in the usual way. Ibid.

In Mount, the Court considered the consolidated appeals of police officers Mount and Martinez. 233 N.J. at 402. Martinez, a trained hostage negotiator with the Atlantic County Special Weapons and Tactics (“A.C. SWAT”) team, sought ██████████ AD after conducting a hostage negotiation that ended with the death of the hostage taker (“Hoffman”). Id. at 408, 413. After ten hours, A.C. SWAT leadership decided to breach the residence. Id. at 415. Martinez was on the phone with Hoffman when A.C. SWAT entered the home. Id. at 416. “Through the cellphone connection, Martinez heard Hoffman yell ‘Gerry, Gerry Help me. Help me They’re going to kill me,’ followed by ‘two pops’ and then silence.” Ibid. (alteration in original). Martinez saw Hoffman’s body when it was removed from the house. Ibid.

The Court affirmed the denial of Martinez’s application for ██████████ AD because it agreed that “Hoffman’s shooting was not undesigned or unexpected.” Id. at 429-30. While this was Martinez’s first “actual hostage situation,” the Court found that Martinez knew a “tactical operation was underway” and “had every reason to expect that the next step would be the tactical

team's entry into the home." Id. at 414, 430. It was also apparent that a violent encounter would occur. Id. at 430. As such, the Court found the Board's conclusion that Hoffman's shooting was not undesigned and unexpected to be "premised on far more than a formulaic review of Martinez's job description and training." Id. at 430-31. Rather, the Board's conclusion was based "on the sequence of events that led to Hoffman's death." Id. at 431.

Similarly, in Mesmer v. Board of Trustees., Police & Firemen's Retirement System, 2022 N.J. Super. Unpub. LEXIS 503 (App. Div. Mar. 30, 2022), the court found it was not undesigned an unexpected when a police officer responded to the suicide by shotgun of a local firefighter, M.H., with whom he was casually acquainted because Mesmer knew he was responding to M.H.'s suicide when he entered the residence. Id. at 12. Here, as in Mesmer, Cooley did not have close relationship to the student – she admitted she did not know the student. Moreover, she knew she was responding to a student who hung herself in the bathroom before she arrived. Further, by the time Cooley arrived, all she witnessed was the student receiving CPR. Thus, as in Mount, "the sequence of events" demonstrates the December 2017 incident was not undesigned and unexpected. 233 N.J. at 431.

Third, the Board rejects the ALJ's conclusion that Cooley established that her disability was the direct result of the December 2017 incident. (ID at 17-18). To satisfy the "direct result" requirement, a traumatic event must constitute "the essential significant or substantial contributing cause" of the applicant's disability and not be the result of pre-existing disease alone or in combination with work effort. Gerba v. Bd. of Trs., Pub. Emps.' Ret. Sys., 83 N.J. 174, 185 (1980); Korelnia v. Bd. of Trs., Pub. Emps.' Ret. Sys., 83 N.J. 163, 170 (1980). The burden of proof lies with Cooley to prove "direct result" by providing credible medical evidence. Gerba, 83 N.J. at 185; Atkinson v. Parsekian, 37 N.J. 43, 149 (1962). After considering all the relevant evidence in the record, the Board found that Cooley failed to carry her burden and prove that December 2017 incident was the "essential significant or substantial contributing cause" of her disability. Rather,

the record shows that her disability was the result of a combination of factors, not exclusive to the December 2017 incident.

In Gerba, the Supreme Court noted that the legislative purpose of the “direct result” requirement was to apply a more exacting standard of medical causation and that AD should be denied when there is “an underlying condition such as osteoarthritis which itself has not been directly caused, but is only aggravated or ignited, by the trauma.” 83 N.J. at 186. A non-symptomatic pre-existing condition can combine with a traumatic event to satisfy the “direct result” requirement, but only where the pre-existing condition is stable and “might never cause any trouble.” Petrucelli v. Bd. of Trs., Pub. Emps.’ Ret. Sys., 211 N.J. Super. 280, 287 (App. Div. 1986). The question of whether a claimant’s alleged disability is the direct result of a traumatic event is one necessarily within the ambit of expert medical opinion. Korelnia, 83 N.J. at 171. The weight granted to expert testimony depends on such factors as whether the expert witness testified in his specialty and whether the expert’s conclusions are based only on the subjective complaints of a patient. Angel v. Rand Express Lines, Inc., 66 N.J. Super. 77, 86 (App. Div. 1961).

Cooley’s medical records establish that [REDACTED], particularly [REDACTED], [REDACTED],” were issues that significantly impacted her [REDACTED]. (R-2 pp. 5). Dr. David Gallina, M.D., who conducted a [REDACTED] evaluation of Cooley in February 2020, noted Cooley “has a long history of [REDACTED] dating back to childhood,” including [REDACTED] [REDACTED]” as well as [REDACTED] . . . particularly in regard to [REDACTED] [REDACTED]” (R-2 pp. 3). Jessica Jensen, [REDACTED], who began treating Cooley in June 2018, also documented that Cooley’s treatment included that for [REDACTED].” (P-5). Records also show Cooley first sought [REDACTED] treatment in her early-20s, in connection with [REDACTED] as

██████████, which involved ██████████ for about a year. (R-2 pp. 5). She also reported being ██████████ ██████████ by her primary care physician when she first became Principal, to deal with ██████████ ██████████. Ibid.

At the time Cooley stopped working in 2019, she was also dealing with ██████████ ██████████. (1T66:3-16). Documentation from Princeton House, dated May 13, 2019, revealed: “██████████ ██████████” (R-2 pp. 5). Dr. Gallina also noted that Cooley’s “██████████” Ibid. ██████████. (1T67:2-18). Therefore, Cooley’s ██████████ was significantly impacted by other issues not related to the December 2017 incident.

Most significantly weighing against a finding that the December 2017 incident was “the essential significant or substantial contributing cause” of Cooley’s disability is the fact that Cooley worked for an entire year, from January 2018 until January 2019, full-duty, without any issue, following the December 2017 incident. (1T56:12-57:11). Again, Cooley was able to immediately resume work following the incident, without any ██████████, and then continue working for a full year, before she began taking off work in January 2019 for her ██████████. Moreover, in January 2019 when Cooley did begin taking time off, there were multiple contributing factors to her ██████████ at that time, separate from the December 2017 incident. Those contributing factors included the 2019 ██████████ working through ██████████, and the January 2019 death of another student whom she personally knew (as opposed to the student who passed in 2017 whom she did not personally know). (1T39:13-24; 1T70:22-72:12; R-2). Therefore, it would be arbitrary to pinpoint the December 2017 incident as the essential significant cause, when there were multiple issues impacting Cooley’s ██████████

condition at the time she stopped working, especially considering Cooley was able to work a full year following the December 2017 incident before the cumulation of all these events.

The Board gives little weight to the ALJ's consideration that Cooley was functioning well before the December 2017 incident, because the ALJ failed to give any regard to the fact that Cooley continued to function in her role as principal for an entire year after the fact. (ID at 17). The ALJ also found that "[t]he evidence shows that [Cooley's] [REDACTED] started after the December 12, 2017, incident" on the basis that "[Cooley] [REDACTED] summer 2018 at the end of the school year." (Id at 18). However, that is a six-month gap between the "traumatic event" and Cooley seeking any kind of [REDACTED] for the first time.

The ALJ also improperly disregarded the breakup of Cooley's long-term relationship as a contributing factor to [REDACTED] because "the breakup occurred *after* the December 12, 2017 incident." (ID at 18). However, Cooley's [REDACTED] and [REDACTED] also occurred well after the December 12, 2017 incident. The ALJ's reasoning was thus contradictory because she relied heavily on the fact that Cooley sought [REDACTED] six months after the incident, but then claimed other evidence, such as the breakup, was not determinative because it occurred after the incident. (ID at 18). Further, just because the break-up occurred after the incident does not mean it should be excluded from consideration. As outlined above, Cooley's medical records do in fact document that the relationship was having a significant impact [REDACTED].

Based on the above, the Board gives Dr. LoPreto's expert opinion, that Cooley's disability was not the direct result of the December 2017 incident, greater weight. He reliably testified that Cooley's issues, at their core, all involve [REDACTED], which likely developed in childhood. (2T31:9-13). Her issues were not attributable to one single incident, but rather, each subsequent incident retriggered this core issue. (2T41:21-42:4). This is consonant with the timeline, which shows Cooley did not require time off from work until a year after the December 2017 incident, after the cumulation of several issues and events.

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Conversely, the Board gives Dr. Winfrey's opinion less weight. Dr. Winfrey's review of Cooley's medical records was incomplete, as he only reviewed treatment records from 2020 and 2021, and his report does not refer to any earlier medical records nor could he could testify towards any medical records he reviewed from 2018 and 2019. (1T126:10-15). Additionally, when asked about Cooley's return to work for an entire year following the December 2017 incident, he stated it was not something that played into his analysis. (1T127:18-23). That Dr. Winfrey brushed off a significant piece of Cooley's work history renders his opinion unreliable.

For the foregoing reasons, the Board rejected the ALJ's conclusions that (1) Cooley experienced a [REDACTED] event; (2) the December 2017 incident was undesigned and unexpected; and (3) she proved that her disability was the direct result of December 2017 incident. As a result, the Board determined Cooley is ineligible for AD retirement benefits.

You have the right to appeal this administrative action to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter, in accordance with the Rules Governing the Courts of the State of New Jersey. All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
PO Box 006
Trenton, NJ 08625

Sincerely,



Saretta Dudley, Secretary
Board of Trustees
Teachers' Pension and Annuity Fund

G-1/SD

c: D. Lewis (ET); A. Saco (ET); C. Law (ET)
Retired Health Benefits Section (ET)
DAG Matthew Melton (ET)
OAL, Attn: Library (ET)
Suzanne Cooley (via mail)