



JAMES A. KOMPANY
Chairman

GREGORY PETZOLD
Executive Director

September 8, 2025

Sent via email to: [REDACTED]

The Toscano Law Firm, LLC
Patrick P. Toscano, Jr., Esq.

[REDACTED]
[REDACTED]
[REDACTED]

RE: Brian Singley
PFRS # [REDACTED]
OAL DKT NO. TYP 12047-24

FINAL ADMINISTRATIVE DETERMINATION

Dear Mr. Toscano:

The Board of Trustees (Board) of the Police and Firemen's Retirement System of New Jersey (PFRSNJ) has reviewed the Initial Decision (ID) of Hon. Thomas R. Betancourt, ALJ, July 15, 2025, as well as Exceptions on behalf of the PFRSNJ Board, filed by Kimberly A. Sked, Esq., dated August 4, 2025¹, and Reply to Exceptions on behalf of the appellant, filed by Patrick P. Toscano, Esq., dated August 5, 2025, in the matter of Brian Singley.

At its meeting on August 11, 2025, the Board voted to reject the Office of Administrative Law's (OAL) ID, which recommended reversal of the Board's denial of Mr. Singley's application for Accidental Disability (AD) retirement benefits.

Findings of Fact and Conclusions of Law as outlined below were presented and approved by the Board at its September 8, 2025 meeting.

FINDINGS OF FACT

Brian Singley began his career as a Correction Officer with Passaic County (the County) in January 2010 and was subsequently enrolled in the PFRS effective February 1, 2010. He went on to accrue 14 years and one month of service credit, ending his career as a Sheriff's Officer with the County.

Mr. Singley filed for AD on January 5, 2024², requesting an effective retirement date of March 1, 2024. On the Application for Disability Retirement, under the prompt for *Disability Comments*, he indicated that, [REDACTED]
[REDACTED]

¹ An extension from July 28, 2025 until August 4, 2025 was granted by the Board on July 23, 2025.

² He originally filed an application on October 11, 2023, requesting a February 1, 2024 retirement date, but submitted two subsequent applications; the final application requested a March 1, 2024 retirement date.

As a result, he stated that he could “no longer perform the normal functions of [his] job as a Detective.” The accident date was listed as April 12, 2022.

At its May 13, 2024 meeting, the Board considered and denied Mr. Singley's application for AD, but granted Ordinary Disability (OD) retirement benefits. They determined that the member was totally and permanently disabled from his job duties, that the disability was the direct result of the incident. the Board found that the incident was identifiable to time and place and that it occurred during and as a result of the member's regular or assigned duties. They found that the member's disability was not the result of the member's willful negligence and the member was mentally or physically incapacitated from performing his usual or any other duty. However, the Board determined that the incident was not undesigned and unexpected. Consequently, the member did not meet the requirements for AD, but qualified for OD.

On August 12, 2024, the Board granted Mr. Singley's request for a hearing. The matter was transmitted to the OAL as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14 F-1 to -13. Subsequent to a hearing in the OAL, the ID was issued on July 15, 2025. The ID concluded that Mr. Singley met his burden by a preponderance of the evidence and, therefore, the denial of his application for AD should be reversed.

Pursuant to N.J.S.A. 52:14B-10(c), the recommended decision may be adopted, modified or rejected by the PFRSNJ Board, which by law is authorized to make a final decision in this matter. The Board rejects this conclusion for the following legal reasons.

LEGAL CONCLUSIONS

In its determination that the incident was undesigned and unexpected, the ID relied solely on Mr. Singley's uncorroborated testimony that [REDACTED]

██████████. Based on this description of the incident, which did not match any of the accident or incident reports, the ID reversed the Board's decision to deny AD, thereby ordering him eligible to receive AD benefits.

The undesigned and unexpected standard, as set forth in Richardson v. Bd. Of Trs., Police and Firemen's Ret. Syst., 192 N.J. 189 (2007), allows that accident or incident may be found "in an unanticipated consequence of an intended external event if that consequence is extraordinary or unusual in common experience." The ID fails to apply the law to the substantial, credible evidence in the record demonstrating how the incident satisfied the standard. The ID failed to explain what about the incident was extraordinary or unusual in common experience or what about it was different from how he usually performed this work effort. Singley testified that he [REDACTED] on approximately 25 percent of the [REDACTED], most of which also included [REDACTED]. and why an accident may be found in an unanticipated consequence of an intended external event if that consequence is extraordinary or unusual in common experience.

The ID cites Richardson in noting that “an undesigned and unexpected event can occur during ordinary work effort but cannot be caused by work effort alone.” “[A]n event may be undesigned and unexpected even if it may be concluded in retrospect that the employee could have anticipated the risk of such an accident and taken steps to avoid it,” but an event is not undesigned and unexpected if, at the time of the injury, the employee was doing exactly what he intended to do. Finally, some courts and

administrative bodies have found that an event is not undesigned and unexpected if it is not unusual or extraordinary in common experience.” ID at 9. It goes on to say that Singley was injured when [REDACTED] that resulted in his disabling injury. “The event causing petitioner’s disabling injury falls within the types of incidents involving external forces which the courts have described as coming within the parameters of Richardson. Petitioner’s rather compelling description of the event that caused [REDACTED] injury clearly meet the Richardson criteria for undesigned and unexpected.” ID at 9. Other than the uncorroborated testimony that [REDACTED] which was not supported by any of the previously submitted evidence, the ID makes no mention of external forces, hazardous conditions, or extraordinary occurrences. The evidence overwhelmingly support that the member [REDACTED]. The Board finds no evidence of [REDACTED]. The ID includes no analysis as to why [REDACTED] has any bearing on the incident, regardless.

The ID also fails to explain how [REDACTED] which Mr. Singley admits to having done many times according to his testimony, differs from any other time he had performed this work in the past. It also fails to explain how the unanticipated consequence [REDACTED] of an intended external event [REDACTED] is extraordinary or unusual in common experience.

In its determination that the incident was “undesigned and unexpected,” the ID references, among several other cases debating the standard, Brooks v. Bd. Of Trs., Pub. Emps. Ret. Sys., 425 N.J. Super. 277 (App. Div. 2012). ID at 7. In Brooks, the member was injured when he ended up lifting a 300-pound weight bench alone. The students who were assisting him suddenly dropped their end of the bench, resulting in an injury to Mr. Brooks, leading to his disability. The accident was seen as a traumatic, undesigned and unexpected event. The dropping of the bench by the students was outside of the member’s control. However, the ID fails to identify how the present matter is similar in circumstance to Brooks or any other cited case law.

CONCLUSION

For the foregoing reasons, Mr. Singley’s AD application is denied; he will continue to receive Ordinary Disability retirement benefits. This correspondence shall constitute the Final Administrative Determination of the PFRSNJ Board of Trustees.

You have the right, if you wish, to appeal this final administrative determination 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.

Sincerely,



Lisa Pointer
Board Secretary
Police and Firemen’s Retirement System of New Jersey

September 8, 2025
Patrick P. Toscano, Jr., Esq.
RE: Brian Singley

Nels Lauritzen, Esq., PFRSNJ Director of Legal Affairs (ET); Kimberly A. Sked, Esq. PFRSNJ Staff Attorney;
D. Lewis; A. Saco; R. Clark;