

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Denis Geronimo,
Petitioner

v.

Docket No. CR-24-0536

Norwood Retirement Board,
Respondent

Appearance for Petitioner:

Stephen Allard, Esq.

Appearance for Respondent:

Thomas F. Gibson, Esq.

Administrative Magistrate:

Kenneth Bresler

SUMMARY OF DECISION

Petitioner, a school custodian, was injured while removing a paper airplane from a ceiling light. She is entitled to accidental disability retirement benefits.

DECISION

The petitioner, Denis Geronimo, appeals the denial of her application for accidental disability retirement benefits.

The case was originally scheduled for a hearing. I questioned whether a hearing was necessary and the case proceeded on submissions. After drafting but not completing this decision, I realized that some gaps in the exhibits could be filled by testimony and the parties' positions could be strengthened with testimony. I scheduled a hearing for August 11, 2026, but

the parties decided not to call witnesses. I completed this decision on the submissions and without testimony.

I admitted 11 exhibits, which are clearly marked in the file.

Findings of Fact

1. Ms. Geronimo was a custodian for Norwood public schools. (Ex. 3)

2. Ms. Geronimo sustained a series of accidents, beginning in 2018 and continuing through 2019, that led her in 2023 to apply for accidental disability retirement benefits for an injury in October 2019. (Ex. 3)

3. On June 28, 2018, Ms. Geronimo reported an incident that day, as follows:

“...Kneeling on floor changing filters twisted knee.” (Ex. 5)

4. On November 29, 2018, Ms. Geronimo reported an incident on November 26, 2018, as follows:

While working my right knee gave out. This is the same knee that I injured in June 2018. My knee dislocated causing pain and swelling.

(Ex. 5)

5. On June 10, 2019, Ms. Geronimo reported an incident on June 5, 2019, as follows:

I injured my Rt knee a year ago and have consistent pain. While doing my job I had my knee give way. The pain and working alone caused me to have a Panic Attack. I felt I was going to lose consciousness. So I call 911.

(Ex. 5)

6. In an undated memorandum, a classroom teacher wrote to a Buildings and Grounds employee that on October 9, 2019, she mentioned to Ms. Geronimo that a paper airplane was stuck in a ceiling light. Ms. Geronimo stood on a chair, lost her footing, and fell. She immediately began to cry and complained that her right knee hurt. (Ex. 5)

7. Ms. Geronimo received worker's compensation for this injury. (Ex. 3, p. 9)

8. On May 25, 2023, Ms. Geronimo applied for accidental disability retirement benefits.

(Ex. 3)¹

9. In her application, Ms. Geronimo stated, "After returning to work after my first injury,² I fell from a chair and reinjured my knee." (Ex. 3, p. 2)

10. When asked the date, time, location, and a description of her injury, Ms. Geronimo left those parts of the application blank. (Ex. 3, p. 7)

11. When asked for information about incident reports and witnesses, Ms. Geronimo left those parts of the application blank. (Ex. 3, p. 8)

12. On June 28, 2023, Dr. Michael Ackland signed a Physician's Statement. He wrote:

Injured Right knee while carrying an air conditioner October 10, 2019 Returned to work, standing on chair to complete a task when the chair collapsed, causing further injury to her Right knee

(Ex. 4, p. 6)³

¹ A member is not bound to the general two-year deadline for applying for accidental disability retirement benefits if the member received workers' compensation for the injury. G.L. c. 32, § 7(3)(a).

² It is unclear which injury Ms. Geronimo referred to as her first.

³ Although the lack of punctuation marks make it unclear whether "October 10, 2019" refers to the injury that precedes or follows the date, the date apparently refers to Ms. Geronimo's injury on October 9. I understand the Physician's Statement to mean:

Injured Right knee while carrying an air conditioner[.] October [9], 2019[:] [After injury to right knee, recovery, and] Return[] to work], [while] standing on chair to complete a task...the chair collapsed, causing further injury to her Right knee

Ms. Geronimo reported on her application for accidental disability retirement benefits that she fell off a chair (Ex. 3), not, as Dr. Ackland recorded, that the chair collapsed. This is the first, but not the last, mention in the record that the chair collapsed. It is possible that Ms. Geronimo reported to Dr. Ackland and to Dr. Drinker, a medical panelist (Ex. 11), that the chair collapsed.

13. The Employer's Statement included the statement by a teacher, discussed above, who saw Ms. Geronimo fall off a chair. (Ex. 5)

14. On March 26, 2024, Dr. Wojciech Bulczynski, a medical panelist and orthopedist, examined Ms. Geronimo. (Ex. 11)

15. Dr. Bulczynski opined that Ms. Geronimo was physically incapable of performing the essential duties of her job, the incapacity was likely to be permanent, and her incapacity might be the natural and proximate effect of the injury sustained while performing her duties. (Ex. 11)

16. In his narrative, Dr. Bulczynski reported that Ms. Geronimo could not stand for more than 30 minutes, could not walk for more than 30 minutes without discomfort, and limped slightly. (Ex. 11)

17. On March 28, 2024, Dr. Ryan P. Friedberg, a medical panelist and orthopedist, examined Ms. Geronimo. (Ex. 11)

18. Dr. Friedberg opined that Ms. Geronimo was physically incapable of performing the essential duties of her job, the incapacity was likely to be permanent, and her incapacity might be the natural and proximate effect of the injury sustained while performing her duties. (Ex. 11)

19. Dr. Friedberg recorded that Ms. Geronimo's initial injury was on June 28, 2018, when she was moving an air conditioner.⁴ (Ex. 11)

⁴ Ms. Geronimo stated in an incident report that she had injured her knee on that date while kneeling on the floor and changing filters (Ex. 5), which may have been air conditioner filters. (See Ex. 5, Witness Report ("filters on Univent heaters")) Ms. Geronimo is not a native English speaker. (Ex. 11 (Dr. Friedberg's narrative)) It is possible that Ms. Geronimo's oral account of changing filters, which may have been for air conditioners, somewhere along the way became a written report of moving air conditioners. I don't find the apparent discrepancy significant, especially because the June 2018 injury is not directly the subject of her application for accidental disability retirement benefits.

20. Dr. Friedberg wrote that Ms. Geronimo reported that while stepping on a chair, the chair “gave way.” (Ex. 11)⁵

21. Dr. Friedberg noted that Ms. Geronimo had had four surgeries, had daily pain, was unable to walk with a normal gait, and had difficulty with squatting and bending. (Ex. 11)

22. Dr. Friedberg wrote that Ms. Geronimo
suffered 2 work-related injuries, one on June 28, 2018 and one on October 9, 2019, both of which significantly contributed to her condition....
(Ex. 11)

23. On May 9, 2024, Dr. Henry Drinker, a medical panelist and orthopedist, examined Ms. Geronimo. (Ex. 11)

24. Dr. Drinker opined that Ms. Geronimo was physically incapable of performing the essential duties of her job, the incapacity was likely to be permanent, and her incapacity might be the natural and proximate effect of the injury sustained while performing her duties. (Ex. 11)

25. In his narrative, Dr. Drinker wrote that Ms. Geronimo reported that she had injured her knee on June 28, 2018 and reinjured it on October 9, 2019, when a chair collapsed and she fell from it. (Ex. 11) She injured

her right knee, subsequently diagnosed as torn medial meniscus. She has a significant pre-existing history of prior knee surgery for patellar instability, but she states that by the date of the second injury on 10/9/19, she was fully functional, with negligible discomfort, and she was able to carry out the full duties of her position.

....

⁵ “[G]ave way” possibly means that the chair collapsed. In the alternative, Ms. Geronimo may have told Dr. Friedberg that on June 5, 2019, her knee gave way, or on November 26, 2018, her knee gave out, as she previously wrote in separate incident reports (Ex. 5), and Dr. Friedberg heard that her most recent injury resulted from the chair having given way.

Ms. Geronimo's incapacity is...a natural and proximate result of the fall occurring on 10/9/19, aggravating a pre-existing condition of patellofemoral instability and arthrosis, as well as her prior injury on 6/28/18.

(Ex. 11)

26. On August 13, 2024, NRB advised Ms. Geronimo that it had denied her application for accidental disability retirement benefits. (Ex. 1)

27. NRB wrote in part that "when you fell off a chair on which you were standing to perform a duty" it

was an activity which you knew, or should have known, was inherently unsafe, more so in light of the previously reported injury to your right knee, and should not have been undertaken without notification to and instruction from a supervisor as required by the Junior Building Custodian Job Description....

(Ex. 1)

28. The Junior Building Custodian Job Description contains no requirement about a custodian's notifying and receiving instruction from a supervisor in a situation such as standing on a chair or in any situation. (Ex. 5)

29. On August 19, 2024, Ms. Geronimo timely appealed. (Appeal)

Discussion

To be eligible for accidental disability retirement benefits, a retirement system member must sustain an injury as a result of, and while in the performance of, the member's duties, and the injury must permanently disable the member from being able to perform the essential duties of the job. G.L. c. 32, § 7. A member is eligible for such benefits "if an injury aggravates a pre-existing condition to the point of disability." *Derek Beckwith v. Haverhill Retirement Board*, CR-23-0476, 2026 WL 613192, at *8 n.11 (Div. Admin. L. App. Feb. 27, 2026).

Ms. Geronimo has met all elements. She sustained an injury on October 9, 2019 when she fell from a chair that she was standing on. (Ex. 5) She was performing her duties when she was injured, trying to remove a paper airplane, which a teacher had brought to her attention, from a ceiling light. (Ex. 5) She is permanently disabled from being able to perform the essential duties of her job, as the medical panel unanimously opined. (Ex. 11)

NRB seems to have four arguments.

1. Ms. Geronimo's climbing on a chair was unsafe and she knew or should have known it. (Ex. 1 (denial))

However, climbing on a chair is not necessarily unsafe. The record contains no evidence that climbing on a chair in the circumstances here was unsafe, or that Ms. Geronimo knew or should have known that climbing on a chair was unsafe.

2. Ms. Geronimo should have notified and received instruction from a supervisor. (Ex. 1 (denial))

I'm not sure why Ms. Geronimo should have done so; removing a paper airplane from a ceiling light does not seem complicated. I'm not sure exactly whom she should have notified and what instruction a supervisor could have given her. The answers are not in the record.

3. The history of Ms. Geronimo's injury is inconsistent, so the medical panel's conclusion is unsupported by the evidence. (Prehearing memorandum, NRB email to DALA, 9-5-25)

It is true that the history of Ms. Geronimo's injuries before October 9, 2019 contain some apparent inconsistencies and that her injury on that date is due to either a fall from a chair or the chair collapsing. I have discussed in footnotes the possible origin of those apparent inconsistencies, which I do not find significant. The apparent inconsistencies are not so

egregious and unexplainable that they throw into doubt that Ms. Geronimo was injured. For cases of egregious and unexplainable inconsistencies, see *Howard Poulten v. Boston Retirement Board*, CR-11-88, CR-12-547 (Div. Admin. L. App. May 22, 2014); and *Richard Benoit v. Boston Retirement Board and Boston Public Health Commission*, CR-16-426, 2018 WL 6567961 (Div. Admin. L. App. October 5, 2018).

4. Because Ms. Geronimo's application had blank pages, the retirement board should not have accepted it. (Prehearing memorandum, NRB email to DALA, 9-5-25)

This is an unusual argument, amounting to form over substance, no pun intended. NRB *did* accept the application. If the application was so deficient that NRB could deny it on that basis, perhaps NRB should have given Ms. Geronimo the opportunity to rectify it. And while the disability retirement statute does require an injury to have been "at some definite place and at some definite time," G.L. c. 32, § 7(1), NRB knew which injury Ms. Geronimo meant – because it rejected her application for being injured after standing on a chair. (Ex. 1)

Conclusion and Order

The Norwood Retirement Board's denial of Ms. Geronimo's application for accidental disability retirement benefits is reversed.

Dated: August 21, 2026

/s/ Kenneth Bresler

Kenneth Bresler
Administrative Magistrate
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