



Former city sanitation man Dennis Jackson was attacked in Highland Park, Brooklyn, in 2017 by three men armed with brass knuckles. He has post-traumatic stress disorder, is afraid to go outside and is unable to work. He was denied a medical pension, but a court recently ordered a second look. TODD MAISEL FOR NYDN

Medical pension hope

Court hands victory to ex-sanitation man beaten on job

BY THOMAS TRACY
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A fired city Sanitation Department worker diagnosed with posttraumatic stress disorder after he and his partner were viciously beaten in a road-rage attack while hauling garbage in Brooklyn won a second chance at obtaining a disability pension, the Daily News has learned.

A Brooklyn Supreme Court justice annulled the New York City Employees' Retirement System's 2018 decision denying a disability pension to Dennis Jackson.

Justice Patria Frias-Colon ordered the retirement system to consider giving Jackson his disability pension "in light of all the proffered medical evidence."

Frias-Colon would not grant a disability pension outright, as Jackson and his attorneys Jeffrey Goldberg and Timothy McEnaney had hoped for.

Jackson, 59, and his partner Dandy Montalvo were picking up trash in Highland Park, Brooklyn, when three men jumped out of a white van and charged

at them on March 29, 2017. They claimed Montalvo, who was driving the Sanitation Department truck, had cut them off.

One of the men sucker-punched Jackson with brass knuckles, ripping off pieces of flesh from his face and head and knocking him unconscious.

The men who attacked the sanitation workers were ultimately arrested, Brooklyn prosecutors said. They both pleaded guilty and were sentenced to community service.

The attackers were involved in a road-rage incident with the city sanitation employees because they were blocking the street while collecting trash. Jackson's shoulder was seriously damaged in the attack, and he no longer has the range of motion to lift garbage cans like he used to, his attorneys said in court papers.

On top of that, the attack left Jackson with posttraumatic stress disorder — an emotional trauma that never went away.

The condition left him virtually homebound, Jackson told the Daily News in 2019. Severe anxiety attacks strike when

he goes out, and if he sees a garbage truck, memories of the crime come flooding back, he said.

"Since the incident, I don't really like crowds," Jackson told The News. "I get anxious really easily when I'm out. My life has just changed so much. I had hoped to move past this, but it hasn't happened."

The Employees' Retirement System denied Jackson's request for a disability pension, claiming that if he doubled up on his anxiety medications and anti-depressants, he could go back to work.

The Sanitation Department fired Jackson in 2019 when he wouldn't return to work.

The 17-year department veteran was able to receive a regular pension in 2020, three years after his attack.

Frias-Colon said in her Sept. 6 decision that "based upon the record in this case, it is unclear whether [the Employees' Retirement System] Medical Board actually considered all of the medical evidence."

She also said the Medical Board didn't explain how Jackson could continue

working for the Sanitation Department with his debilitating shoulder injury and "failed to explain how [Jackson] would be able to perform all of his duties if his anti-depressant or anti-anxiety medication was increased."

"There appears to be a speculative aspect to [the Medical Board's] determination, especially if potential side effects of an increased dosage are not considered," her ruling said.

Jackson was happy with the second chance at a disability pension, which would give him two-thirds of his base pay at the time when he was attacked, McEnaney said.

"The city forced Mr. Jackson to retire after he was brutally beaten and suffered traumatic physical and mental injuries in the line of duty," the lawyer said in a statement. "The court correctly refused to let them take away his job without giving him a disability pension."

An email to the Employees' Retirement System for comment was not immediately returned.