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# New York State Court of Appeals Rules in Favor of NYC Retirees: Ruling Requires the City to Pay the Entire Cost of Retirees' Preferred Health Insurance

NEW YORK, Dec. 17, 2024 /PRNewswire/ -- Today, the New York Court of Appeals, the state's highest court, issued a historic decision in favor of 250,000 Medicare-eligible retired New York City workers and their dependents. The Court held that the City must continue to pay the entire cost of any health insurance plan a retiree chooses, thus preserving retirees' right to City-funded Medicare supplemental insurance.

Rejecting the City's argument that the City can cease funding retirees' health insurance, the Court unanimously held that "the City must pay—up to the statutory cap—for each health insurance plan that it offers employees and retirees." The decision is available [here](#).

In 2021, the City announced that it would stop paying for retirees' Medicare supplemental insurance and automatically switch them into a federally funded—and far inferior—type of insurance called Medicare Advantage. Unlike Medicare supplemental insurance, Medicare Advantage plans limit access to medical providers and regularly deny coverage for necessary care. Under the leadership of Marianne Pizzitola and the NYC Organization of Public Service Retirees, retirees banded together and sued to protect their right to Medicare supplemental insurance.

This is another resounding victory for the NYC Organization of Public Service Retirees (one of the lead plaintiffs in the case) and the entire retiree community. In the past three years, they have brought three separate lawsuits regarding their healthcare rights and have obtained landmark victories in each case at both the trial and appellate levels.

Marianne Pizzitola, President of the NYC Organization of Public Service Retirees, states, "The City's plan to defund retiree healthcare has now been analyzed by 13 different judges across all three levels of the state court system. Every single judge—all 13 of them—have concluded that the City's plan is unlawful. We once again call on the City and the Municipal Labor Committee to end their ruthless and unlawful campaign to deprive retired municipal workers of the healthcare benefits they earned."

Jake Gardener, a partner at Walden Macht Haran & Williams LLP, counsel to the retirees, says, "We are grateful to the Court of Appeals for affirming the healthcare rights of hundreds of thousands of elderly and disabled retired City workers. Because of today's decision, countless senior citizens and disabled first responders will be able to

continue receiving the medical care they desperately need and to which they are entitled."

Steve Cohen, a partner at Pollock Cohen LLP, which also represents the retirees, states, "We are thrilled that the Court of Appeals agrees that City retirees deserve what they were promised: payment for the health plan of their choice."

[NY Court of Appeals Rules That NYC Cannot Defund Retiree Healthcare: Ruling Requires the City to Pay the Entire Cost of Retirees' Preferred Health Insurance](#)