



Retiree Healthcare Battle Shifts from Courts to City Council and City Hall

NEW YORK, June 18, 2025 — Today, the New York Court of Appeals ruled that the City of New York can deny retired firefighters, police officers, teachers, and other municipal workers the health insurance it has promised and provided them for over 50 years. Specifically, the Court held in *Bentkowski v. City of New York* that the City can force its 250,000 elderly and disabled retirees off of traditional Medicare—the high-quality health insurance it assured them they would have in their final years—and onto an inferior type of insurance called “Medicare Advantage.”

If forced into a Medicare Advantage plan, retirees will lose access to many of the doctors they depend on for life-saving treatment and will routinely be denied coverage for medical care. That is because, unlike traditional Medicare (a publicly run program), private Medicare Advantage plans limit access to medical providers and medical care in order to maximize profits.

Today’s heartbreaking decision reverses previous rulings by the New York State Supreme Court and Appellate Division, both of which unanimously held that the City must honor the healthcare promise it made to its retirees for the past half-century. These lower courts found, based on extensive, un rebutted evidence, that: (1) City officials recruited and retained the retirees by telling them that they would have access to traditional Medicare plus a Medicare supplemental plan in their old age; (2) retirees have detrimentally relied on that promise in countless ways; and (3) denying retirees this insurance now would imperil their lives.

Today's Court of Appeals decision does not change those facts. Indeed, the Court of Appeals does not make findings of fact; it only decides questions of law. The Court of Appeals simply held that the City's oral and written assurances were not clear enough to satisfy the strict requirements of promissory estoppel, the legal doctrine on which the retirees prevailed below.

For the past four years, retirees have successfully protected retirees' access to traditional Medicare through litigation. Now it is time for our elected officials—City Councilmembers and our next mayor—to step up and continue this fight. The lives of hundreds of thousands of elderly and disabled retired City workers depend on it.

Marianne Pizzitola, President of the NYC Organization of Public Service Retirees, stated, "On behalf of 250,000 retirees, we call on the City Council and the next mayor to prevent us from being forced into a privatized Medicare Advantage plan and to let us continue receiving the health insurance we were promised and desperately need: traditional Medicare plus a supplemental plan."

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