§ 229. Retirement for cause. a. The superintendent may recommend the retirement for cause of any member of the New York state police who is covered by the twenty year retirement plan set forth in section three hundred eighty-one-b of the retirement and social security law, and who has twenty-five or more years of creditable service under such plan. The superintendent shall mail a written notice of such recommendation to the member at his home address, which notice shall set forth the reasons for the recommendation. At any time within thirty days after the mailing of such recommendation, the member or any person authorized to act on his behalf may serve a written demand for a review of the recommendation. After the service of such demand the superintendent shall refer his recommendation to the review panel established pursuant to this section, the decision of which shall be subject to review only as provided in article seventy-eight of the civil practice law and rules.

b. The said review panel shall consist of three persons who shall be selected as follows. One person shall be selected by the superintendent. One person shall be selected by the employee organization recognized or certified to represent the member pursuant to the provisions of article fourteen of the civil service law. The third person shall be selected by the other two or, if they cannot agree, he shall be selected by the public employment relations board. Each of the three persons so selected shall be appointed by the superintendent and shall hold office until a successor has been selected and appointed.

c. If the member does not serve a timely demand for a review of the recommendation of the superintendent; or if the review panel shall adopt the recommendation of the superintendent, the superintendent shall certify the name of the member to the state comptroller for retirement for cause.

d. As used in this section, the term retirement for cause shall mean a retirement recommended by the superintendent after a finding by him that a member is no longer capable of performing his duties satisfactorily.