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Last Month's OATH Decisions

The documents below are in PDF format. [Download the Adobe Reader now.](#)

Personnel

Positive drug test result was valid.

A sanitation worker tested positive for amphetamine and methamphetamine after a random drug test. He alleged that the test should have been voided because his urine sample was not in his view the entire time before the specimen was sealed, although the sample did remain within the exclusive control of the specimen collector. *Dep't of Sanitation v. N.G.*, OATH Index No. 1389/16 (May 12, 2016).

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Real Property

Loft Law coverage recommended.

Three tenants of a loft on Bleeker Street applied for coverage under the Loft Law. ALJ Astrid B. Gloade granted their application, finding that the evidence at trial showed that the building is an interim-multiple dwelling ("IMD"), that applicants' units are covered, and that applicants are the protected occupants. *Matter of Gatein*, OATH Index Nos. 2121/13, 1033/14, & 2233/14 (May 13, 2016).

[Read more](#)

Practice and Procedure

Motion to recuse ALJ denied.

Respondent-owner in a Loft Law case moved to recuse ALJ Gloade from the trial. Before trial, petitioner had forwarded ALJ Gloade emails purportedly containing attorney-client communications that had been divulged to a third party and a summary of settlement options. *Matter of Gatein*, OATH Index Nos. 2121/13, 1033/14, & 2233/14 (May 13, 2016).

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OATH Recent Decisions

55-a program not a defense
to absenteeism.



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