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BenchNOTES

Last Month's OATH Decisions

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

Personnel

Fraud investigator fraudulently obtained housing benefits.

A Human Resources Administration public benefits fraud investigator pled guilty to federal charges for fraudulently obtaining Section 8 housing benefits. ALJ Alessandra F. Zornotti found that because of respondent's federal guilty plea, the doctrine of collateral estoppel conclusively establishes respondent's fraudulent conduct. Judge Zornotti recommended termination from employment. [Human Resources Admin. v. Battle-Black](#), OATH Index No. 2272/13 (Sept. 10, 2013).

[Read more](#)

Licensing

Cab driver did not refute positive drug test based on claimed ingestion of coca tea from Peru.

In a fitness proceeding, a for-hire vehicle driver was found to have tested positive for cocaine use. Respondent argued he had innocently ingested the substance while drinking mate de coca tea he purchased in Peru. Supervising ALJ Joan R. Salzman found that respondent's evidence was insufficient to refute the proof of illegal drug use and recommended license revocation. [Taxi & Limousine Comm'n v. Proano](#), OATH Index No. 234/14 (Sept. 18, 2013).

[Read more](#)

Real Property

ALJ denies motion to disqualify pro se applicant from representing estate at OATH.

Administratrix of decedent's estate appeared *pro se* on behalf of the estate to obtain the value of fixtures installed and improvements made by the decedent. Attorneys for the building's owner moved to disqualify the administratrix from appearing *pro se* and to require her to obtain counsel because she was not the sole beneficiary of the estate. [Estate of Bikman](#), OATH Index No. 2199/13, *mem. dec.* (Sept. 24, 2013).

[Read more](#)

Vehicle Retention

Notice sent to wrong address; ALJ orders return of car.

Police Department ("PD") sought to retain vehicle after car owner's arrest for DUI. PD erroneously mailed respondent's notice of her right to a hearing to the wrong zip code. ALJ Faye Lewis found notice was insufficient and ordered the release of respondent's vehicle. [Police Dep't v. Brown](#), OATH Index No. 557/14, *mem. dec.* (Sept. 24, 2013).

Resources

[Search OATH Decisions](#)

[Search OATH Decisions \(Issued After 2004\) Using OATH Tribunal Database](#)

[Forfeiture Cases: Information on Seized Cars](#)

[BenchNOTES Archive](#)

OATH Recent Decisions

[OATH Launches New Website in Partnership with Columbia Law School.](#)



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Administrative Judicial Institute