



# BenchNOTES Newsletter

June 2023

## OATH NEWS

**Job opportunities at OATH:** OATH regularly posts employment opportunities on the NYC Jobs portal and on its website. [View current openings.](#)

**OATH seeking new Contract Dispute Resolution Board panelists:**  
The OATH Trials Division is seeking applications from qualified persons to serve on Contract Dispute Resolution Board panels. More details available [here](#).

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## **Trials Division**

### **Personnel**

Termination of employment recommended for correction officer.

ALJ Astrid B. Gloade recommended termination of employment for a correction officer who retaliated against an incarcerated person.

[\*\*\*Dep't of Correction v. Merilus\*\*\*](#), OATH Index No. 1821/23 (May 2, 2023).

[\*\*Read more about \*Dep't of Correction v. Merilus\*\*\*](#)

### **Licensing**

Lifting of suspension recommended for taxi driver.

ALJ Astrid B. Gloade recommended lifting the suspension of a taxi driver arrested for attempted criminal possession of a controlled substance.

[\*\*\*Taxi & Limousine Comm'n v. Almasoodi\*\*\*](#), OATH Index No. 2897/23 (May 8, 2023), *adopted*, Comm'r Dec. (May 18, 2023).

[\*\*Read more about \*Taxi & Limousine Comm'n v. Almasoodi\*\*\*](#)

### **Worker Protection**

Contractor failed to pay prevailing wages.

ALJ Faye Lewis recommended payment of restitution, a 25% civil penalty, and a five-year debarment for a contractor who willfully failed to pay prevailing wages and supplemental benefits to two workers on

public works projects.

**[Office of the Comptroller v. Charan Electrical Enterprises, Inc. & Deol](#)**, OATH Index No. 2174/21 (May 16, 2023).

**[Read more about Office of the Comptroller v. Charan Electrical Enterprises, Inc. & Deol](#)**

## **Contracts**

Contractor's claim for additional compensation denied.

The Contract Dispute Resolution Board, chaired by ALJ Faye Lewis, denied a contractor's claim for anticipated profits.

**[Judlau Contracting, Inc. v. Dep't of Transportation](#)**, OATH Index No. 1560/22, mem. dec. (May 17, 2023).

**[Read more about Judlau Contracting, Inc. v. Dep't of Transportation](#)**

## **Appeals Division Decisions**

### **(Appeals from the Hearings Division)**

Health code violations affirmed in part and reversed in part.

An appeal decision affirmed in part and reversed in part a hearings decision sustaining various health code violations against a restaurant.

[\*\*\*DOHMH v. Yuca Bar and Rest Inc.\*\*\*](#), Appeal No. 13083-22F1 (May 31, 2023).

[\*\*Read more about \*DOHMH v. Yuca Bar and Rest Inc.\*, and other Appeals Division cases\*\*](#)

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