



BenchNOTES Newsletter

May 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](#).

[Read more about OATH News](#)

COVID-19 Update

Pursuant to an order of the Chief Administrative Law Judge, hearings, trials, and other OATH operations are available by telephone, videoconferencing, online, or mail. In-person appearances are also available. For more information, visit OATH's website at www.nyc.gov/oath.

Trials Division

Personnel

Suspension recommended for correction officer.

ALJ Kevin F. Casey recommended a 15-day suspension for a correction officer who failed to disclose his possession of a handgun.

[*Dep't of Correction v. Anderson*](#), OATH Index No. 1280/23 (Apr. 6, 2023).

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

Vehicle Seizure

Vehicle seized by NYPD ordered to be released.

ALJ Tiffany Hamilton ordered the release of a vehicle seized by the Police Department as an instrumentality of crime.

[*Police Dep't v. Moore*](#), OATH Index No. 2225/23, mem. dec. (March 30, 2023).

[Read more about *Police Dep't v. Moore* and other Vehicle Seizure cases](#)

Worker Protection

Fine recommended for violation of Fair Workweek Law.

ALJ Astrid B. Gloade recommended a civil penalty of \$126,500 against the owner and the manager of a fast-food store for violating the Fair

Workweek Law.

[Dep't of Consumer and Worker Protection v. 557 Burger Corp.](#),

OATH Index No. 2384/19 (Apr. 21, 2023).

[Read more about Dep't of Consumer and Worker Protection v. 557 Burger Corp.](#)

Contracts

Contractor's claim for additional compensation denied.

The Contract Dispute Resolution Board, chaired by ALJ Orlando Rodriguez, denied a contractor's claim for additional compensation due to its failure to keep daily records of the work performed, as required by the contract.

[NSP Enterprises, Inc. v. Dep't of Design & Construction](#), OATH

Index No. 1524/22, mem. dec. (Apr. 24, 2023).

[Read more about NSP Enterprises, Inc. v. Dep't of Design & Construction](#)

Appeals from the Hearings Division

Violations for excessive noise dismissed.

An appeal decision affirmed a hearings decision dismissing two charges of excessive noise against an owner of a restaurant, where petitioner failed to demonstrate that the sound level readings were taken in compliance with the Administrative Code.

[**DEP v. Serena Harlem LLC**](#), Appeal No. 2201513 (April 27, 2023).

[**Read more about DEP v. Serena Harlem LLC, and other Appeals Division cases**](#)

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