

Office of Administrative
Trials and Hearings

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Last Month's OATH Decisions

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

Personnel

Job termination recommended for multiple disciplinary incidents.

A sergeant who worked the overnight tour at a juvenile detention center employed by ACS was charged with multiple employment infractions spanning nine months. [Admin. For Children's Services v. Diaz](#), OATH Index No. 2743/15 (Nov. 6, 2015).

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Contracts

Contractor did not clarify contract term prior to bid, claim denied.

The Department of Parks and Recreation ("Parks") had denied a contractor's claim for over \$65,000 in extra compensation for the reinstallation of a handrail while reconstructing sections of the Coney Island boardwalk in Brooklyn. [Triton Structural Concrete, Inc. v. Dep't of Parks and Recreation](#), OATH Index No. 1304/15, mem. dec. (Nov. 4, 2015).

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Practice and Procedure

Motion to disqualify ALJ denied.

In an employee disciplinary proceeding, petitioner moved to recuse ALJ John B. Spooner because of alleged bias against the agency. Petitioner had made nearly identical motions in two prior cases, which were denied. [Dep't of Environmental Protection v. Giaccia](#), OATH Index No. 211/16, mem. dec. (Nov. 6, 2015).

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Real property

Building qualifies for Loft Law coverage.

Residents in a building in Brooklyn filed an application seeking findings that the building is an interim multiple dwelling ("IMD") covered by the Loft Law with five IMD units and that they are protected occupants of their units. [Matters of Tenants of 224-228 North 7th Street](#), OATH Index No. 1720/14 (Nov. 4, 2015).

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Licensing

Marriage license applicant was victim of identity theft.

The City Clerk denied a marriage license to an applicant after determining that someone with her name, date of birth, and parents' names had previously received a license, which had not been dissolved. [Office of the City Clerk v. Anonymous](#), OATH Index No. 452/16 (Nov. 12, 2015).

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