



# BenchNOTES Newsletter

February 2023

## OATH NEWS

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

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### 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](http://www.nyc.gov/oath).

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## **Trials Division**

### **Personnel**

Suspension recommended for steamfitter who was discourteous to supervisor.

Supervising ALJ Joan R. Salzman recommended a 15-day suspension for a steamfitter who was discourteous to his supervisor on two occasions and uttered an anti-Latino insult to express dissatisfaction with his supervisor. Although the employee was also Latino, his remark was offensive and unacceptable workplace behavior.

[\*Dep't of Citywide Administrative Services v. Velez\*](#), OATH Index No. 55/23 (Jan. 9, 2023).

[Read more about \*Dep't of Citywide Administrative Services v. Velez\* and other personnel cases](#)

### **Licensing**

ALJ recommends revoking taxi driver's license.

ALJ Faye Lewis recommended revoking a taxi driver's TLC license based upon his conviction for driving while ability impaired by alcohol.

[\*Taxi & Limousine Comm'n v. Perez\*](#), OATH Index No. 1015/23 (Jan. 12, 2023), *adopted*, Comm'r Dec. (Jan. 25, 2023).

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

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

Appeals Division found that a synagogue qualifies as a food service establishment because it served food to its members.

The Appeals Division reversed a hearing decision dismissing a Health Code violation against a synagogue for operating a food service establishment (“FSE”) without a permit, obstructing an inspection, and numerous food-related violations.

[\*\*\*DOHMH v. Cong Sheves Achim\*\*\*](#), Appeal No. 04177 21F0 (January 23, 2023).

[\*\*Read more about \*DOHMH v. Cong Sheves Achim\*, and other Appeals Division cases\*\*](#)

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