



BenchNOTES Newsletter

October 2021

OATH NEWS

OATH delivers conflict resolution training about vaccine mandate:

In September, OATH's Center for Creative Conflict Resolution released a conflict resolution [video training](#) and [guidance document](#) for New York City businesses subject to the Mayor's "Key to NYC" vaccine mandate for indoor dining, entertainment, and fitness venues.

(Translated versions are available [here](#).) The effort was noted in the New York Times, NBC News, and other media, and the video training has been viewed almost 7,000 times since it was released.

[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 being conducted by telephone, videoconferencing, online, or mail, and in-person appearances are also available.

[Read more about COVID-19 update](#)

Trials Division

Personnel

Sanitation Worker negligently drove sanitation truck.

ALJ Astrid B. Gloade recommended termination of employment for a sanitation worker who drove a Department of Sanitation collection truck the wrong way down a one-way street in Brooklyn and struck a pedestrian, resulting in the pedestrian's death.

[***Dep't of Sanitation v. Gilchrist***](#), OATH Index No. 1897/20 (Aug. 13, 2021), *adopted*, Comm'r Dec. (Aug. 24, 2021).

[**Read more about *Dep't of Sanitation v. Gilchrist***](#)

Contracts

CDRB denies claim brought by contractor.

The Contract Dispute Resolution Board ("CDRB"), chaired by ALJ Astrid B. Gloade, denied a contractor's claim for more than \$200,000 in additional compensation for planting trees on Brooklyn streets.

[***Coastal Contracting Corp. v. Dept of Parks & Recreation***](#), OATH Index No. 1131/21, mem. dec. (Aug. 20, 2021).

[**Read more about *Coastal Contracting Corp. v. Dept of Parks & Recreation***](#)

Licensing

Taxi driver sexually harassed passenger.

ALJ Kevin F. Casey found that Taxi and Limousine Commission-licensed taxicab driver sexually harassed a passenger by initiating sexually explicit conversation and continuing to make sexually explicit comments after the passenger told him to stop.

[***Taxi & Limousine Comm'n v. Shuchinski***](#), OATH Index No. 2125/21 (Aug. 19, 2021), *adopted*, Comm'r Dec. (Sept. 2, 2021).

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

Appeals Division decisions (appeals from the Hearings Division)

DJs fined for encouraging non-essential gathering during pandemic.

The Appeals Division affirmed two decisions finding that the respondents, sibling deejays, committed an act detrimental to public health, in violation of the New York City Health Code, and New York State Executive Order, by encouraging, promoting, or organizing a non-essential gathering during the COVID-19 public health emergency.

[*DOF v. Christian Martinez*](#), Appeal No. 2100827 (August 19, 2021) and [*DOF v. Steven Martinez, Jr.*](#), Appeal No. 2100845 (August 19, 2021).

[Read more about *DOF v. Christian Martinez* and *DOF v. Steven Martinez, Jr.*](#)

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