



# BenchNOTES Newsletter

December 2022

## OATH NEWS

**ALJ Ingrid Addison retires from OATH Trials Division:** ALJ Addison retired in November, after having served with distinction as an administrative law judge for 15 years. She was known for her eloquent writing, impartial courtroom demeanor, tireless work ethic, and dedication to mentoring new judges and law clerks. ALJ Addison will continue working with OATH part-time as a Hearing Officer in the Hearings Division.

**ALJ Joan Salzman appointed as Supervising Administrative Law Judge in the OATH Trials Division.** ALJ Salzman will supervise the Trials Division's Calendar Unit, Administrative Support Unit, and Clerks Unit, and will oversee the general management of the Trials Division. [Read more about ALJ Salzman.](#)

**Hanchun "Tina" Lin joins OATH Trials Division as the Chief Law Clerk.** Ms. Lin will oversee the Trials Division's legal research unit which provides support to the OATH Administrative Law Judges in relation to all matters that come before the OATH Trials Division. She was most recently the Deputy Director and Deputy General Counsel of the New York City Loft Board.

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

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

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## Trials Division

### Featured agency decision

#### Certificate of no harassment application denied.

The Department of Housing Preservation and Development adopted ALJ Noel R. Garcia's recommendation that a certificate of no harassment be denied to a building owner who failed to repair conditions in the building, leading to the issuance of a vacate order.

[\*\*\*Dep't of Housing Preservation & Development v. Forest\*\*\*](#), OATH Index No. 1320/20 (Nov. 9, 2022), *adopted*, Comm'r Dec. (Nov. 16, 2022).

[\*\*Read more about \*Dep't of Housing Preservation & Development v. Forest\*\*\*](#)

### Personnel

**Termination of employment recommended for employee who violated the agency's social media policy and sick leave policy.**

ALJ Ingrid M. Addison recommended termination of employment for a sanitation worker for posting racially insensitive images and commentary on social media while identifying himself as a City employee and for violating the agency's sick leave policy.

**[Dep't of Sanitation v. J. L.](#)**, OATH Index No. 2302/22 (Sept. 13, 2022).

**[Read more about Dep't of Sanitation v. J. L. and other personnel cases](#)**

## **Licensing**

**ALJ finds TLC driver fit to possess license despite a positive drug test.**

ALJ Ingrid M. Addison recommended dismissal of fitness charges against a TLC driver who tested positive for controlled substances.

**[Taxi & Limousine Comm'n v. Yousuf](#)**, OATH Index No. 445/23 (Sept. 27, 2022).

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

## **Vehicle Seizure**

**ALJ orders the release of a vehicle.**

ALJ Christine Stecura ordered the NYPD to release a car that it seized as the alleged instrumentality of a crime.

[\*\*\*Police Dep't v. Pichardo\*\*\*](#), OATH Index No. 913/23 (Nov. 15, 2022).

[\*\*Read more about \*Police Dep't v. Pichardo\*\*\*](#)

## **Real Property**

**Application for certificate of no harassment denied.**

ALJ Kara J. Miller recommended denying a building owner's application for a certificate of no harassment, finding the prior owner harassed a tenant by inducing him to surrender his rights without first providing a written disclosure of his rights.

[\*\*\*Dep't of Housing Preservation & Development v. Gooden\*\*\*](#), OATH Index No. 304/20 (Sept. 9, 2022).

[\*\*Read more about \*Dep't of Housing Preservation & Development v. Gooden\*\*\*](#)

## **Human Rights**

**Store owner found to have unlawfully discriminated against pregnant employee.**

ALJ Susan J. Pogoda found that retail store owners discriminated against a former employee based on gender and pregnancy status.

[\*\*\*Comm'n on Human Rights ex rel. Ana Cazares v. INS Handbags, Inc.\*\*\*](#), OATH Index No. 1075/20 (Oct. 5, 2022).

[Read more about \*Comm'n on Human Rights ex rel. Ana Cazares v. INS Handbags, Inc.\*](#)

## **Contracts**

**CDRB denies contractor's claim for additional compensation.**

The Contract Dispute Resolution Board, chaired by ALJ Julia H. Lee, denied a contractor's claim for additional compensation for replacing a bridge's upper roadway.

[\*American Bridge Co. v. Dep't of Transportation\*](#), OATH Index No. 2009/20, mem. dec. (Sept. 7, 2022).

[Read more about \*American Bridge Co. v. Dep't of Transportation and other contracts cases\*](#)

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

**Appeals Division affirms finding that taxi driver was discourteous to passenger.**

The Appeals Division affirmed a decision finding that a taxi driver was discourteous to a passenger by refusing to wait for the passenger to return with a dolly to remove his groceries from the taxicab, and instead threw the passenger's groceries onto the street.

[\*TLC v. Khalid Harrach\*](#), Appeal No. 10184999C (October 25, 2022).

[Read more about \*TLC v. Khalid Harrach and other Appeals Division cases\*](#)

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