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BenchNOTES - May 2017

Last Month's OATH Decisions

Personnel

ALJ recommends dismissal of charges.

ALJ Alessandra F. Zornio recommended dismissal of incompetence charges where long-term absence was due to delay in worker's compensation process and petitioner's failure to restore respondent to duty upon a showing that he is currently fit, not a dereliction or neglect of duty.

[Dep't of Environmental Protection v. D'Amore](#), OATH Index No. 1307/17 (May 4, 2017)

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Licensing

ALJ recommends engineer's disqualification from performing special inspection.

ALJ Kevin F. Casey found that respondent, a licensed engineer and special inspector, failed to maintain and make available required records, assumed responsibility for special inspections that he was not

qualified to conduct, did not perform required verification and testing, and failed to report hazardous conditions.

[Dep't of Buildings v. Schneider](#), OATH Index No. 696/17 (May 25, 2017)..

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