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BenchNOTES

Last Month's OATH Decisions

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Licensing

Taxi driver overcharged passengers on trips from airport.

In a default proceeding, petitioner proved that a taxi driver, on two trips, overcharged and threatened passengers and drove recklessly. In both instances, the taxi driver told the passengers that he was charging them a 45 dollar flat rate fare for a ride from LaGuardia Airport to Manhattan. *Taxi & Limousine Comm'n v. Yazici*, OATH Index No. 1457/16 (Apr. 12, 2016).

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Personnel

Computer associate unfit to perform job.

Computer Associate found unfit to perform his job after petitioner proved that he had difficulty keeping up with technological changes and was confrontational when interacting with co-workers and supervisors. ALJ Alessandra F. Zorogniotti found that respondent's behavior continued to be disruptive even after supervisors had made efforts to simplify his job. *Dep't of Parks & Recreation v. Anonymous*, OATH Index No. 858/16 (Apr. 12, 2016).

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Contracts

Contractor's claim denied.

Contractor sought an additional \$14,788.58 from respondent, the Department of Parks and Recreation, for labor costs it allegedly incurred during the installation of ADA-compliant bathrooms at parade grounds in Prospect Park. Respondent argued that it had already approved payment under contract unit price items, which included both the costs for extra materials and labor for installation. *Building Maintenance Corp. v. Dep't of Parks & Recreation*, OATH Index No. 743/16 (Apr. 21, 2016).

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Real Property

Loft Law coverage application denied.

ALJ Kara J. Miller recommended that a Loft Law coverage application be denied because the applicant failed to show that three units in the building were residentially occupied during the applicable window period. The applicant proved he residentially occupied his unit, but could not show that the two other units were qualified for coverage. *Matter of Gubelmann*, OATH Index No. 213/13 (Apr. 19, 2016).

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