



BenchNOTES Newsletter

January 2025

OATH News

Job opportunities at OATH:

OATH is hiring Law Clerks and a Chief Law Clerk. Working directly with OATH's Administrative Law Judges, Law Clerks engage in legal research and writing on cases involving civil servant discipline, consumer and worker protection matters, taxi and rideshare licensing, contract disputes involving the city, as well as cases falling under the Campaign Finance Law, Human Rights Law, Conflict of Interest Law, and more. The Chief Law Clerk has a supervisory role. These jobs are a great way to promote access to justice in NYC. For more details visit <https://cityjobs.nyc.gov/> and search for Job ID 695171 (Law Clerk) & 695172 (Chief Law Clerk).

Trials Division

Personnel

49-day suspension recommended.

ALJ Faye Lewis recommended a 49-day suspension for a captain after he placed a person in custody in an impermissible neck restraint and submitted a false or misleading use of force report about the incident.

[***Dep't of Correction v. Russell***](#), OATH Index No. 880/25 (Dec. 19, 2024).

[**Read more about *Dep't of Correction v. Russell* and other Personnel cases.**](#)

Licensing

Dismissal of fitness proceeding recommended.

ALJ Kevin F. Casey recommended dismissal of a TLC fitness proceeding brought against a licensee for a positive drug test result after the licensee argued the defense of innocent ingestion. [***Taxi & Limousine Comm'n v. Haddad***](#), OATH Index No. 617/25 (Dec. 20, 2024).

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

Human Rights

Dismissal of discrimination claim recommended.

ALJ Julia H. Lee recommended dismissal of a housing discrimination claim due to petitioner's failure to establish a prima facie case against a landlord and his wife who allegedly refused to rent housing accommodations based on applicants' national origins. [***Comm'n on***](#)

[**Human Rights ex rel. Lopez v. Kahn**](#), OATH Index No. 0738/23 (Dec. 27, 2024).

[**Read more about Comm’n on Human Rights ex rel. Lopez v. Kahn.**](#)

Appeals from the Hearings Division

Decision reversed in part.

An appeals decision reversed part of a hearing decision that sustained a Health Code violation against a food service establishment for failure to have a supervisor who holds a food protection certificate (“FPC”) present. [**DOHMH v. Secret Summer Hospitality Group LLC dba Festival**](#), Appeal No. 04825-24F1 (Dec. 23, 2024).

[**Read more about DOHMH v. Secret Summer Hospitality Group LLC dba Festival and other appeals from the Hearings Division.**](#)

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