

The Discipline Book

2009 Supplement

CHAPTER 18 - Case Summaries

With [Internet](#) links to the full text of rulings

by

Harvey Randall

and

Eric D. Randall

© 2009 by the Public Employment Law Press

ISBN 1-931511-74-8

www.publicpersonnellaw.blogspot.com

E-mail: publications@nycap.rr.com

Supplement to the Discipline Book 2009 Case Summaries
With Internet links

The Discipline Book - 2009 Supplement

**Buy The Complete Version of This Book at
Booklocker.com:**

<http://www.booklocker.com/p/books/3813.html?s=pdf>

Please scroll down for the free excerpt

Table of Contents

Part 1 – Index of Topics

Part 2 – Table of Citations

Part 3 – Summaries of decisions

[With [Internet](#) links to the full text of rulings]

Part 1 – Index of Topics

Abandonment, of a position in the public service
Abolishment of a position, placement on a preferred
Accepting gratuities for performing official duties
Acquitted of criminal and disciplinary charge, entitlement to back pay
Action by the Commission on Judicial Conduct to remove a judge from office
Administrative determination by a civil service commission
Administrative remedy, failure to use bars lawsuit involving the same issue
Agency computers, misuse of
Alternatives to Section 75 disciplinary procedures
Anonymous allegations of wrongdoing by a public official, investigation of
Anonymous proceeding, based on public's and defendant's interests in disclosure
Appeal, of an Education Law Section 3020-a arbitration award
Application for employment, termination because of omitted relevant information
Appointing authority, participation in a disciplinary action
Appointing authority, participation in a disciplinary proceeding
Appointing authority, personal involvement in the disciplinary process
Appointing authority, rejection of the hearing officer's recommendation
Appointing authority's disciplinary decision, supported by substantial evidence
Arbitration award, "public policy exception"
Arbitration award, challenge by non-party
Arbitration award, fine rather termination after treatment for substance abuse
Arbitration award, limitations on power to vacate
Arbitration award, modification of
Arbitration award, statute of limitation for an appeal
Arbitration awards, motion to vacate
Arbitrator's misconduct, must be demonstrated by clear and convincing proof
Attorney, failure to file a proper request disciplinary hearing
Attorney, right to be present in an administrative investigation
Attorney-client privilege
AWOL, deemed a resignation from, or abandonment of, the position
AWOL, loss of 20 days of vacation credit

Back pay award, based on salary of position to which employee was demoted
Back salary, for the period when the penalty to be imposed was being reconsidered
Bad faith, burden of demonstrating

Cause of action, to be defined by plaintiff
Charges, hearing officer found were not proven
Civil Service Law 55-b, appointee must be able to perform the duties of the position
Collective bargaining agreement, cannot provide provisional employees tenure
Continuation of employment, upon the expiration of a contract of employment
Continuing §207-c benefits, refusal to perform light duty

Contract grievance procedure, availability in Article 78 disciplinary appeal
Contract grievance procedure, inapplicable in Article 78 disciplinary appeal
Contract of employment, failure to extend
Court does not have discretionary authority to vacate disciplinary penalty
Criminal action, cannot prevent a related disciplinary action from going forward
Criminal activity, disciplinary action for deliberately ignoring criminal activity
Criminal conviction, mandates a finding of misconduct based on same events

Defamation claim, evaluation of
Demotion as a penalty
Destruction or loss of evidence
Disciplinary charges, non-receipt claim rebutted by employer's evidence of mailings
Disciplinary charges, right to hearing after retirement
Disciplinary penalty imposed by the appointing authority, court review limited
Disciplinary penalty of termination vacated as "shocking to one's sense of fairness"
Disciplinary penalty, excessive
Disciplinary penalty, judicial review of
Disciplinary penalty, not set out in statute or rules or written policies
Disciplinary probation, based on deferral of imposing the disciplinary penalty
Disciplinary probationary settlement, violation of terms
Disciplinary procedures, negotiation of
Disciplinary settlement agreement, may preserve allegations for subsequent action
Disciplinary settlement agreement, *quid pro quo* not required
Disciplinary termination, no substantial evidence to support the determination
Discipline related to alleged off-duty misconduct
Discipline settlements
Dismissal after administrative disciplinary hearing held *in absentia*
Disqualifying misconduct bars unemployment insurance award
Documents, to be provided to union
Drug use, grounds for termination
Due process requirements - filing an employer's application for disability retirement
Duties, failure to perform satisfactorily
Duty of fair representation, processing a grievance filed by a unit member
Duty to defend and indemnify an employee, allegations involve official duties

Eavesdropping
Eleventh Amendment immunity
Employee records, removing information
Employees, of a non-for-profit working in public school districts
Evidence – use of a "911 recording" in a disciplinary hearing
Evidence of employee misconduct, searching an employer's computer
Excessive absence, evidence that individual cannot perform the duties of the position
Exhaustion of administrative remedy required, unless an exercise in futility

Faculty appointment, court review of failure to reappoint limited
Failure to appeal

Failure to supervise
False pretenses, termination based on
False report, filing of
False report, submission of
False statements made under oath to tell the truth
False statements, made to a department investigator
Financial accounts, mismanagement of
Forged documents, medical excuse for absence
Free speech, limited by employer's interest
Free speech, protesting administrative decisions
Free speech, using epithets
Free speech, violation of alleged

Global positioning device, used to prove employee falsified records
Governmental service, distinguished from public employment

Hatch Act, barring partisan political activities by certain public employees

Immunity, Subpoena *duces tecum* served on former employee
Interrogation by appointing authority, union presence during

Jarema service credit, considered in meeting probationary service requirements
Jurisdictional classification, tenure determinations
Jurisdictional reclassification, continuation in position

Lack of remorse, considered a factor in setting a disciplinary penalty
Letters critical of an employee, filing in the employee's personnel file

Malicious prosecution, alleged
Mental disability, Section 75 disciplinary action held inappropriate
Misconduct unrelated work, discontinuation of benefits

Name-clearing hearing, termination of probationer
Neglect of Duty
Notice of claim, required in challenging a probationary teacher's dismissal
Notice of termination of a probationary educator, 30-days notice requirement

Off-duty misconduct, basis for disciplinary action

Penalty, only a penalty authorized by statute [or contract] may be imposed
Personal information, postings on the Internet
Personal interest, public interest distinguished
Personnel actions taken by a Board, majority required
Political activity, during working hours
Political affiliation, reason for termination alleged

Polygraph, used in rejecting applicant for appointment as a police officer
Pornographic material, found on school's computer
Post-traumatic stress disorder
Preferred list, appointment from
Pretext, reason for termination
Probationary employee, challenge of authority to terminate service
Probationary employee, reinstated without back salary
Probationary employee, right to a pre-termination hearing limited
Probationary period, extended by employee's absences
Probationary period, part-time service not credited
Probationary termination, test applied by the courts
Procedures, failure to follow
Profanity, toward a supervisor
Provisional employee, entitlement to a name-clearing hearing
Provisional employee, right to a permanent appointment
Provisional employee, right to a permanent appointment is limited
Public Officer, removal

Reassignment to a lower grade position distinguished from disciplinary action
Reimbursement for expenses incurred in defending against criminal charges
Reinstatement, following reversal of conviction of crime, application of police officer
Reinstatement, from Section 71 leave for disability
Reinstatement, to former position
Removal, of a public officer
Removal, of a town court judge from office
Removal, officer conviction of a crime or a violation of the oath of office
Repeated disciplinary action, considered in confirming termination
Request for reconsideration, does not stop the statute of limitations from running
Required license, failure to obtain deem a "provoked discharge"
Residence in employer's geographic jurisdiction, disqualifying misconduct
Residence requirement, failure to satisfy terms of the contract of employment
Residence, failure to have or maintain
Residence, requirements for public officers
Resignation of a member of a three-person arbitration panel does not affect award
Resignation, involuntary
Resignation, not medically necessary
Rules of Evidence, in an arbitration

School board, removing members from office
Section 72 Leave, reinstatement from
Section 72, refusal to report for medical examinations
Semi-military organization, determining an appropriate disciplinary penalty
Settlement agreement, ambiguity resolved against the drafter
Sick leave, misuse of
Soliciting and accepting a gratuity
Statute of limitations, for claim of "continuous incompetency"

Statute of limitations, for filing an Article 78 petition not tolled by filing a grievance
Subpoena of a “private citizen,” in connection with agency’s criminal investigations
Substantial evidence test, challenges to an administrative decision
Substantial evidence, required to support disciplinary hearing officer’s findings
Summary termination, failure to satisfy a qualification for employment
Surveillance video, used in disciplinary hearing
Suspension without pay, determined by “pay days” not “calendar days”
Suspension, for insubordination
Suspension, recommended for employee found guilty of threatening a superior

Taylor Law negotiations, police disciplinary procedures
Tenure by estoppel
Terminate a probationer, based on supervisors’ reports
Termination grievance, submission to arbitration
Termination of probationary employee, false statement in application
Termination of probationer, unsatisfactory ratings
Termination recommended, employee found guilty of providing drugs to juvenile
Termination, employee tested positive for marijuana
Termination, failure to satisfy the requirements of Education Law § 3020-a
Termination, guilty of bringing discredit upon the employer
Termination, improper use of a firearm
Termination, of employee on Civil Service Law §72 leave
Termination, penalty for the employee’s submitting fraudulent medical data
Termination, unacceptable personal risk to himself and safety concerns for others
Termination, waiver of right to arbitrate or litigate
Threats made in the heat of an argument, mitigating element in setting penalty

Unemployment insurance benefits, employment was terminated due to misconduct
Unexpired term to an appointed office, filling of
Unused vacation credit, payment upon separation
Use of an agency's vehicle for personal travel
Using a department vehicle for an unauthorized purpose

Vacation leave accruals, payment upon separation from employment
Valid reason for taking disciplinary
Video evidence, in disciplinary hearing
Violating the terms of a disciplinary probation agreement
Volunteer, right to administrative due process

Zero drug tolerance policy

Part 2 – Table of Citations

Abreu v Quesada, 2008 NY Slip Op 08420, decided on November 6, 2008, Appellate Division, First Department

Admin. for Children's Services v. Murray, OATH Index No. 2515/08

Agran v Commissioner of Labor, 54 A.D.3d 479

Allocca v Kelly, 44 A.D.3d 308

Amorosano-LePore v Grant, 2008 NY Slip Op 09073, Decided on November 18, 2008, Appellate Division, Second Department

Andrea T. Fernandez v Commissioner of Labor, 50 A.D.3d 1399

Androniki [Niki] Browne v City of New York, 45 A.D.3d 590

Anthony Loscuito v Scoppetta, 50 A.D.3d 905

Anonymous against Board of Education of the Mamaroneck Union Free School District, Decisions of the Commissioner of Education, No. 15,855, December 12, 2008

Antonio Jenkins And United Federation Of Teachers, Local 2, AFT, AFL-CIO, and Board Of Education Of The City School District Of The City Of New York, PERB U-26822

Application of Crystal Barton for the removal of Ralph R. Hernandez as a member of the Board of Education of the City School District of the City of Buffalo, Decisions of the Commissioner of Education, Decision No. 15,832

Arlene Lustyik v Village of Tarrytown, 41 A.D.3d 1066

Baksh v Town/Village of Harrison, 38 A.D.3d 808

Bartnicki v Vopper, USSC, 532 U.S. 514

Batyreva v New York City Dep't. of Education, 2008 NY Slip Op 09841, Decided on December 16, 2008, Appellate Division, First Department

Bedford v Raymond W. Kelly, as Police Commissioner, 2008 NY Slip Op 08272, Decided on October 30, 2008, Appellate Division, First Department

Binghamton City School District v Peacock, 46 A.D.3d 1042

Blair v Horn, 2008 NY Slip Op 32581(U), September 12, 2008

Bland v Kelly, 2008 NY Slip Op 08987, decided on November 18, 2008, Appellate Division, First Department

Bolin v Nassau County BOCES, 2 A.D.3d 704

Bradford v New York City Dep't. of Correction, 2008 NY Slip Op 08530, decided on November 13, 2008, Appellate Division, First Department

Bruce Brasky v City of New York Dep't. of Investigation, 40 A.D.3d 531

Bruder v Kelly, 17 Misc.3d 372

Bullock v Kelly, 17 Misc.3d 862

Burrus v State Lottery Commission of Indiana, USCA 7th Circuit, Docket #08-1142

Bursac v Suozzi, 2008 NY Slip Op 28437, Decided on October 21, 2008, Supreme Court, Nassau County, Justice William R. LaMarca

Canna v Town of Amherst, 55 A.D.3d 1269

Carlos Blackman v New York City Transit Authority, CA, 2nd Circuit, 491 F.3d 95

Cartarius-Macri v Commissioner of Labor, 39 A.D.3d 994

Casale v Metropolitan Transportation Authority, 47 A.D.3d 519

Charles Williams v Town of Greenburgh, et al, USCA2, decided July 22, 2008, Docket #06-4897-CV

Christine Sequist v County of Putnam, 40 A.D.3d 1003

Christopher Mapp v Burnham, 8 N.Y.3d 999

City of Peekskill v Local 456, Intl. Bhd. of Teamsters, 49 A.D.3d 730

City School Dist. of the City of New York v Rochelle Lorber, 50 A.D.3d 301

City Univ. of N. Y. v Professional Staff Congress, 41 A.D.3d 138

Civil Serv. Employees Assn., Inc., Local 1000, AFSCME, AFL-CIO v Mennillo, 38 A.D.3d 1113

City of Long Beach v Civil Service Employees Association, Inc., Long Beach Unit, 8 N.Y.3d 465 [Judge Kaye and Judge Ciparick dissenting in part]

Civil Service Employees Association., Inc., Local 1000, AFSCME, AFL-CIO v Rockland County Bd. of Coop. Educ. Servs., 39 A.D.3d 641

Clark v New York City Transit Authority, 46 A.D.3d 360

Clark v Schuylerville Cent. School District, 2008 NY Slip Op 09685, Decided on December 11, 2008, Appellate Division, Third Department

Clarke v Cleveland, 53 A.D.3d 894

Coker v City of New York Dep't. of Probation, 51 A.D.3d 442

Coleman v Town of Eastchester, 39 A.D.3d 855

Conflicts of Interest Bd. v. Allen, OATH Index No. 1791/07, *aff'd*, COIB Case No. 06-411

Conn and Miller v Board of Education, City of Detroit, Federal District Court, Eastern District of Michigan, Southern Division, Docket No. 2:08-cv-13073, Justice Stephen J. Murphy, III

County of Cattaraugus v Thomas Nuss, 2008 NY Slip Op 28446, Decided on November 7, 2008, Supreme Court, Cattaraugus County, Justice Larry M. Himelein

Crandall v Voorheesville CSD, Supreme Court Albany County, #01-06-087882, Judge Thomas J. McNamara [Not officially reported]

Curcio v New York City Dep't. of Education, 55 A.D.3d 438

D'Alessandro v West Hempstead Fire Dist., 53 A.D.3d 576

Daniel T. Connor against Board of Education of the Eastport-South Manor Central School District regarding a superintendent's contract, Decisions of the Commissioner of Education, Decision No. 15,809

David Moran v New York City Tr. Auth., 45 A.D.3d 484

Davis v County of Westchester, 42 A.D.3d 791, Appeal dismissed, sua sponte, 9 N.Y.3d 953

Deborah Cooper against Board of Education of the Hempstead Union Free School District Commissioner of Education Decision No. 15,708

Dembovich v Liberty CSD, App. Div., 3rd Dep't., 296 A.D.2d 794

Dep't of Correction v. Holder, OATH Index No. 2208/07

Dep't of Education v. Rubenstein, OATH Index No. 1264/07

Dep't of Transportation v. Delpin, OATH Index No. 260/08

Dep't. of Education and Honan, OATH Index No. 2231/07

Dep't. of Environmental Protection and Subject, OATH Index No. 534/08

Dep't of Correction v. Archibald, OATH Index Nos. 2214/08, 2215/08 & 2216/08

Dep't of Correction v. Phoenix, OATH Index No. 1543/08

Dep't of Correction v. Walker, OATH Index No. 1394/08

Dep't of Correction v. Woodford, OATH Index No. 2188/07

Dep't of Environmental Protection v. Bellach, OATH Index No. 1574/08

Dep't of Environmental Protection v. Danko, OATH Index No. 1060/08

Dep't of Juvenile Justice v. Bodden, OATH Index No. 202/09

Dep't of Sanitation v. Pulliam, OATH Index No. 1976/08

DeStefano v Board of Coop. Educ. Servs. of Nassau County, 50 A.D.3d 898

DiRuzzo v Department of Education, City of New York, 44 A.D.3d 535

Donald James Carroll v New York State Canal Corp., 51 A.D.3d 1389

Donald Perryman v Village of Saranac Lake, 41 A.D.3d 1080

Dorita L. James v Joel Klein, 43 A.D.3d 764, Appellate Division

Dorothy H. Bonanno v Nassau County Civil Service Commission
2008 NY Slip Op 30754(U)

Dreyer v City of Saratoga Springs, 21 Misc.3d 1108(A), aff'd. 43 A.D.3d 586

Duncan v Kelly, 43 A.D.3d 297, affirmed, 9 N.Y.3d 1024

Duncan v Kelly, 9 N.Y.3d 1024

David Torrance v Joseph A. Stout, 9 N.Y.3d 1022

Dwaine E. Williams v Commissioner of Labor, 47 A.D.3d 994

Elias v Kelly, 2008 NY Slip Op 08522, Decided on November 13, 2008, Appellate Division, First Department

Engel v Sobel, 161 AD2d 873.

Faga v Board of Educ. of Harrison Cent. School Dist., 2008 NY Slip Op 09078, Decided on November 18, 2008, Appellate Division, Second Department

Feola v Carroll, 10 N.Y.3d 569

Fire Dep't v. Lyon, OATH Index No. 2124/08

Fontaine v Comm. of Labor, App. Div., Third Dep't., 283 A.D.2d 825

Foster v Kelly, 55 A.D.3d 403

Francis v City of New York, 15 Misc.3d 1123(A)

Ghita v Department of Education of the City of New York, 2008 NY Slip Op 30706(U), March 7, 2008, Supreme Court, New York County, Docket Number: 0110481/2007 [Not officially reported]

Gilberto S. Gomez v Commissioner of the New York City Department of Juvenile Justice, 50 A.D.3d 404

Goldberg and the NYC Department of Education, Decisions of the Commissioner of Education 15763

Goldman v White Plains Ctr. for Nursing Care, LLC, 11 N.Y.3d 173
Gomez v Kelly, 55 A.D.3d 305

Gomez v New York City Dep't. of Educ., 50 A.D.3d 583

Gregory Zrake v New York City Dep't. of Education, 41 A.D.3d 118

Greta Kantrowitz and the Board of Education of the Uniondale Union Free School, Decisions of the Commissioner of Education No. 15,842

Guerrero v Scoppetta, 53 A.D.3d 615

Gutman v Board of Educ. of the City School Dist. of the City of N.Y., 18 Misc.3d 609, Cahn, J.

Hampton Bays Teachers' Association, NYSUT, AFT, AFL-CIO and Hampton Bays Union Free School District, U-26980

Hart v Trumansburg Bd. of Trustees, 41 A.D.3d 1025

Health & Hospitals Corp. (Cook Chill Plant at Kings County Hospital Center) v. Rivera, OATH Index No. 2063/08

Health & Hospitals Corp. (Lincoln Medical & Mental Health Center) v. Huling, OATH Index No. 1342/08

Health & Hospitals Corp. (North Bronx Healthcare Network) v. Wolfe, OATH Index No. 2844/08

Health & Hospitals Corp. (Queens Health Network) v. Smith, OATH Index No. 2019/08

Health and Hospitals Corp. (Woodhull Medical & Mental Health Center) v. Goodman, OATH Index No. 1632/07

Hedman v Town Bd. of Town of Howard, 2008 NY Slip Op 09229,

Hershkowitz v New York City Dep't. of Educ., 51 A.D.3d 560

Horn v The New York City Civil Service Commission, 43 A.D.3d 760

Hughes v City of Bethlehem, USCA, 3rd Circuit, Docket #07-2349, Decided October 2, 2008

Human Resources Admin. v. Anonymous, OATH Index No. 228/08

Human Resources Admin. v. Hampton, OATH Index No. 517/08

Ian Garnes v Kelly, 51 A.D.3d 538

Incorporated Vil. of Lake Success v New York State Pub. Empl. Relations Bd., 41 A.D.3d 599

Informal Opinions of the Attorney General 2008-10

Informal Opinions of the Attorney General, 2008-12

James Schmitt v New York State Dep't. of Correctional Services, 47 A.D.3d 1098

James V. Sarto v Jeffrey A. Whittemore, et al, 43 A.D.3d 1343

Jason Tessiero v Bennett, 50 A.D.3d 1368

Juan Molina-Crespo v United States Merit Systems Protection Board, USCA 6th Circuit, Docket No. 07-3745

Katz v Board of Educ. of City School Dist. of City of N.Y., 2008 NY Slip Op 31935(U), June 20, 2008, Supreme Court, New York County, Docket Number: 0113180/2007

Kelly v Scoppetta, 2008 NY Slip Op 08490, Decided on November 5, 2008, Appellate Division, Second Department

Kevin O'Neill v City of New York, 52 A.D.3d 25

Kocsis v New York State Div. of Parole, 41 A.D.3d 1017

Kristine deVente and Jocelyne Jesenof against the Broome-Delaware-Tioga Board of Cooperative Education Services, Jennifer Mondolfi and Mary Jo Rankin, regarding termination of employment, Decisions of the Commissioner of Education, Decision No. 15,822, decided August 14, 2008

LaBombard, 11 N.Y.3d 294

Leo Gustafson v Town of N. Castle, N. Y, 45 A.D.3d 766

Linney v City of Plattsburgh, 49 A.D.3d 1020

Local 342 v Town of Huntington, 52 A.D.3d 720

Luis Garcia v Department of Educ. of the City of N.Y., 18 Misc.3d 503

Mair-Headley v County of Westchester, 41 A.D.3d 600

Marilyn Chaplin v New York City Dep't. of Education, 48 A.D.3d 226

Mary Ellis v Mahon, 11 N.Y.3d 754

Matthew Lowe v Doherty, 52 A.D.3d 233

Mazzone v Hauppauge Union Free School Dist., 41 A.D.3d 480

McCue v County of Westchester, 2008 NY Slip Op 09966, decided on December 16, 2008

McRae v New York City Transit Authority, 39 A.D.3d 861, leave to appeal dismissed, 9 N.Y.3d 945

Mele v New York State Off. of Gen. Servs., 46 A.D.3d 1159
Mercado v Kelly, 54 A.D.3d 654

Michael Diggins v Honeoye Falls-Lima Cent. School Dist., 50 A.D.3d 1473

Mosher v Commissioner of Labor, 41 A.D.3d 1005

Mt. Vernon v PERB, App. Div., 3rd Dep't., 289 A.D.2d 674

Mullen v County of Suffolk, 43 A.D.3d 934

New York State Off. of Mental Health v New York State Div. of Human Rights, 53 A.D.3d 887

Newman v Fire Dep't. of the City of New York, , 47 A.D.3d 444

NYC Department of Transportation v Anonymous, OATH Index # 1754/07

O'Connor v Board of Educ. of City School Dist. of City of Niagara Falls, 48 A.D.3d 1254

Olivares v Board of Educ. of the City School Dist. of the City of New York, 39 A.D.3d 230

Oxford Employee Support Personnel Association v Oxford Academy & Central School District, 40 A.D.3d 1297

Pagan v Board of Educ. of the City School Dist. of the City of New York, 2008 NY Slip Op 08993, Decided on November 18, 2008, Appellate Division, First Department

Palmer v Niagara Frontier Transp. Auth., 2008 NY Slip Op 08947, decided on November 14, 2008, Appellate Division, Fourth Department

Panella v New York State Civ. Serv. Commn., 53 A.D.3d 905

Park v Kapica, 8 N.Y.3d 302

Patrolmen's Benevolent Assn. of the City of New York, Inc. v District Council 37, AFSCME, AFL-CIO, 38 A.D.3d 449

Patrolmen's Benevolent Assn. of City of N.Y., Inc. v New York State Pub. Empl. Relations Bd., 13 AD3d 879, affirmed, 6 NY3d 563 and Town of Orangetown v Orangetown Policemen's Benevolent Assn., 18 AD3d 879, modified, 6 NY3d 563

Paul Siepierski v New York State & Local Retirement System, 46 A.D.3d 1316

People v David E. Wilkinson; People v Michael Casey, 20 Misc.3d 414

Perinpanayagam v University At Buffalo & State Univ. of N. Y., 39 A.D.3d 1220

Phillip Nicoletti v Meyer, 42 A.D.3d 722

Police Benevolent Assn. of N.Y. State Troopers, Inc. v Division of N.Y. State Police, 11 N.Y.3d 96

Police Dep't v. Cornick, OATH Index No. 536/08

Pollock v Kiryas Joes UFSD 52 A.D.3d 722

Prendergast v City of New York, 44 A.D.3d 414

Prioleau v Nicoletti, 54 A.D.3d 768

Raeshan Dockery v New York City Hous. Auth., 51 A.D.3d 575

Rhome v Commissioner of Labor, 50 A.D.3d 142

Riley v Commissioner of Labor, 51 A.D.3d 1307

Rita Miller v Clinton County [Pennsylvania], USCA, 3rd Circuit, Docket # 07-2105

Rivera v Department of Education of New York City School District, 2008 NY Slip Op 32165(U), July 31, 2008,

Ronnie Wiggins v Southampton UFSD, Supreme Court, IAS Term, Part XXIV, Suffolk County, Judge Peter Fox Cohalan [not officially reported]

Russell v New York Citywide Admin. Servs., 55 A.D.3d 614

Rutkunas v Stout, 8 N.Y.3d 897

Sanchez v Kelly, 2008 NY Slip Op 08427, decided on November 6, 2008, Appellate Division, First Department

Schwartzbaum v Horn, 49 A.D.3d 324

Scott A. Stepien and Edward Lilly against Board of Education of the Lewiston-Porter Central School, Decisions of the Commissioner of Education, Decision No. 15,732

Seabrook v City of New York, 2008 NY Slip Op 09471,

Sealed plaintiff v Sealed defendant #1, et al, USCA Second Circuit, Docket #06-1590-cv, decided: August 12, 2008

Seiferheld v Kelly, 2008 NY Slip Op 32948(U), October 23, 2008, Supreme Court, New York County, Docket Number: 114351/07, Judge: Lottie E. Wilkins, [This opinion is not selected for publication]

Sheppard v Beerman, USDC, EDNY, Judge Glasser,

Shoaf v Dep't. of Agriculture, FedCir, 00-3148,

Shuler v State of New York., 48 A.D.3d 384

Sills v Keric, NYS Supreme Court, Ia Part 30, Justice Heitler, affd, 5 A.D.3d 247, appeal denied 3 NY3d 610

Smeraldo v Rater, 55 A.D.3d 1298

Social Service Employees Union, Local 371, v The City of New York, et al., 50 A.D.3d 264

Social Services Employees Union, Local 371 v City of New York Administration for Children's Services, 2008 NY Slip Op 08979, Decided on November 18, 2008, Appellate Division, First Department

State of New York Off. of Mental Health v New York State Correctional Officers & Police Benevolent Assn., Inc., 46 A.D.3d 1269

Swakeen v New York City Health & Hospitals Corp., 39 A.D.3d 287

Tamarkin v New York City Dep't. of Educ., 44 A.D.3d 502

Tarasow v NYC Dep't. of Educ., 21 Misc.3d 1113(A), Unreported Disposition, 2008 N.Y. Slip Op. 52066(U) N.Y.Sup. Oct 06, 2008

The Honorable Jean Marshall, 8 N.Y.3d 7417, Per Curiam

Thibodeau v Northeastern Clinton Cent. School Bd. of Education, 39 A.D.3d 940

Thomas v County of Rockland, Dep't. of Hosps 55 A.D.3d 745

Thomas v Stone, App. Div., Third Dept 284 A.D.2d 627

Timmerman v Board of Educ. of the City School Dist. of the City of New York, 44 A.D.3d 502

Town of Orangetown v Orangetown Policemen's Benevolent Assn., 18 AD3d 879, modified, 6 NY3d 56

Valerie Black v NYS Office of Mental Retardation and Development Disabilities, 20 Misc.3d 581

Vetter v Board of Educ., Ravena- Coeymans-selkirk Cent. School Dist., 53 A.D.3d 847

Virginia Parkhouse v Stringer, 55 A.D.3d 1

Voss v Rockland County Community College, 38 A.D.3d 880

Watkins v New York City Dep't. of Educ., 48 A.D.3d 339

Wehlage v Quinlan, 55 A.D.3d 1344

Wells v Johnson, 50 A.D.3d 1416

Wendy Sue Silvernail v Enlarged City School Dist. of Middletown, 40 A.D.3d 1004

Wharton v New York City Department of Correction, 2008 NY Slip Op 32289(U), Supreme Court, New York County, Docket Number: 0103493/2008,

William Brown v New York City Housing Authority, 40 A.D.3d 511

Zeiler v Deitsch, CA2, 500 F.3d 157

Zimmer v Secretary of Department of Homeland Security, USCA, 3rd Circuit, Docket #08-1590, October 22, 2008 [not precedential]

Supplement to the Discipline Book 2009 Case Summaries. With Internet links.

The Discipline Book - 2009 Supplement

**Buy The Complete Version of This Book at
Booklocker.com:**

<http://www.booklocker.com/p/books/3813.html?s=pdf>