

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D18626  
O/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - February 26, 2008

ROBERT A. SPOLZINO, J.P.  
DAVID S. RITTER  
FRED T. SANTUCCI  
EDWARD D. CARNI, JJ.

---

2007-03578

DECISION & ORDER

In the Matter of Deborah Balis, appellant, v Chubb  
Group of Insurance Companies, respondent.

(Index No. 5286/06)

---

Mallilo & Grossman, Flushing, N.Y. (Francesco Pomara, Jr., of counsel), for  
appellant.

Curtis, Vasile, P.C., Merrick, N.Y. (Patricia M. D'Antone of counsel), for  
respondent.

In a proceeding pursuant to CPLR article 75 to vacate an arbitration award, the  
petitioner appeals from an order of the Supreme Court, Queens County (Rosengarten, J.), dated  
March 12, 2007, which denied the petition.

ORDERED that the order is affirmed, with costs.

The petitioner failed to meet her burden of proof by clear and convincing evidence that  
any impropriety or misconduct of the arbitrator prejudiced her rights or the integrity of the arbitration  
process or award (*see Matter of Mounier v American Tr. Ins. Co.*, 36 AD3d 617; *Matter of  
Hausknecht v Comprehensive Med. Care of N.Y., P.C.*, 24 AD3d 778; *Matter of Westchester Ice  
Hockey Officials Assn., Inc. v Section One, Inc. of N.Y. State Pub. High School Athletic Assn., Inc.*,  
15 AD3d 411).

Contrary to the petitioner's contention, the path of analysis, proof, and persuasion by  
which an arbitrator reaches a conclusion is beyond judicial scrutiny (*see Central Sq. Teachers Assn.  
v Board of Educ. of Cent. Sq. Cent. School Dist.*, 52 NY2d 918, 919).

April 1, 2008

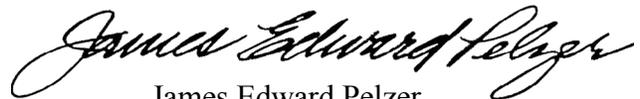
Page 1.

MATTER OF BALIS v CHUBB GROUP OF INSURANCE COMPANIES

The petitioner failed to present evidentiary proof of actual bias or the “appearance of bias” on the part of the arbitrator (*Matter of Schwartz v New York City Dept. of Educ.*, 22 AD3d 672, 673; *see Matter of Wisner Professional Bldg. v Zitone Constr. & Supply Co.*, 224 AD2d 538, 538). Accordingly, the petitioner failed to establish entitlement to vacatur of the arbitrator’s award pursuant to CPLR 7511(b)(ii) on the ground of partiality.

SPOLZINO, J.P., RITTER, SANTUCCI and CARNI, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court