

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

D23430
Y/hu

_____AD3d_____

Argued - March 23, 2009

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-02566

DECISION & JUDGMENT

In the Matter of Board of Education of Yonkers
Public Schools, petitioner, v New York State Division
of Human Rights, et al., respondents.

(Index No. 9754/07)

Donoghue, Thomas, Auslander & Drohan, LLP, Hopewell Junction, N.Y. (James P. Drohan and Neelanjan Choudhury of counsel), for petitioner.

Robert David Goodstein, New Rochelle, N.Y. (Paula Johnson Kelly of counsel), for the respondent Rene Acevedo.

Proceeding, inter alia, pursuant to Executive Law § 298 to review a determination of the Commissioner of the New York State Division of Human Rights dated March 30, 2007, which adopted the recommendation of an administrative law judge, made after a hearing, finding, inter alia, that the petitioner Board of Education of the Yonkers Public Schools discriminated against the complainant in violation of the Human Rights Law (Executive Law § 296[16]).

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, with costs.

Contrary to the petitioner's contention, there is substantial evidence in the record to support the determination under review (*see Matter of Lieberman v City of New York*, 52 AD3d 719; *Sheriff's Dept. v State Div. of Human Rights*, 129 AD2d 789).

June 9, 2009

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The petitioner's remaining contentions are without merit.

RIVERA, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court