

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

D29019
H/kmb

_____AD3d_____

Argued - October 28, 2010

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
SHERI S. ROMAN
SANDRA L. SGROI, JJ.

2009-07759

DECISION & ORDER

In the Matter of Jerome E. Jordan, respondent, v
Human Resources Administration City of New
York, appellant.

(Index No. 13858/08)

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Pamela Seider Dolgow,
Suzanne K. Colt, and Elizabeth S. Natrella of counsel), for appellant.

In a proceeding pursuant to CPLR article 75 to vacate an arbitration award dated February 6, 2008, the appeal is from an order of the Supreme Court, Kings County (F. Rivera, J.), dated July 7, 2009, which, inter alia, granted the petition and vacated the award.

ORDERED that the order is reversed, on the law, with costs, the petition is denied, the arbitration award is reinstated, and the proceeding is dismissed.

Contrary to the Supreme Court's determination, under the circumstances here, the fact that the arbitration hearing was not transcribed did not provide a basis for vacating the arbitration award (*see* CPLR 7511[b]; Rules of the City of New York, Title 61 § 1-06[g]; *Matter of Simon v New York State Off. of Parks, Recreation & Historic Preserv.*, 303 AD2d 413; *Matter of New York State Correctional Officers & Police Benevolent Assn.* [*New York State Dept. of Correctional Servs.*], 304 AD2d 954). Further, the petitioner failed to establish any grounds for vacating the arbitration award (*see* CPLR 7511[b]).

RIVERA, J.P., ANGIOLILLO, ROMAN and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 16, 2010

MATTER OF JORDAN v HUMAN RESOURCES
ADMINISTRATION CITY OF NEW YORK