

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

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____AD3d____

Submitted - January 14, 2011

DANIEL D. ANGIOLILLO, J.P.
L. PRISCILLA HALL
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2010-01692

DECISION & JUDGMENT

In the Matter of Sylvia Batten-Smith, petitioner, v
New York City Housing Authority, respondent.

(Index No. 14893/09)

Sylvia Batten-Smith, Brooklyn, N.Y., petitioner pro se.

Sonya M. Kaloyanides, New York, N.Y. (Nancy M. Harnett and Byron S. Menegakis of counsel), for respondent.

Proceeding pursuant to CPLR article 78 to review a determination of the New York City Housing Authority dated May 27, 2009, which adopted the recommendation of a hearing officer dated May 14, 2009, made after a hearing, finding that the petitioner was ineligible to continue her occupancy of an apartment in a public housing development on the ground, inter alia, of nondesirability, and terminated her tenancy.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, without costs or disbursements.

The record supports the finding that someone in the petitioner's apartment possessed a gun and pointed it at another tenant in a threatening manner. Accordingly, the determination of the New York City Housing Authority is supported by substantial evidence and, therefore, will not be disturbed (*see Matter of Diaz v Hernandez*, 66 AD3d 525).

ANGIOLILLO, J.P., HALL, ROMAN and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

February 1, 2011

MATTER OF BATTEN-SMITH v NEW YORK CITY HOUSING AUTHORITY