

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

D31583
O/kmb

_____AD3d_____

Argued - May 6, 2011

WILLIAM F. MASTRO, J.P.
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS
JEFFREY A. COHEN, JJ.

2010-06307

DECISION & ORDER

Roberta Miller, appellant, v Nassau County Civil
Service Commission, et al., respondents.

(Index No. 28936/92)

Louis D. Stober, Jr., LLC, Garden City, N.Y., for appellant.

John Ciampoli, County Attorney, Mineola, N.Y. (Dennis J. Saffran and David Tauster
of counsel), for respondents.

In an action, inter alia, for reinstatement to employment and to recover back pay, the
plaintiff appeals, as limited by her brief, from so much of an interlocutory judgment of the Supreme
Court, Nassau County (Lally, J.), entered June 4, 2010, as failed to award her predecision interest
on her cause of action based on legislative equivalency.

ORDERED that the interlocutory judgment is affirmed insofar as appealed from, with
costs.

The award of back pay to the plaintiff is derived from Civil Service Law § 77, “and
that statute does not provide for predecision interest” (*Matter of Bello v Roswell Park Cancer Inst.*,
5 NY2d 170, 174).

MASTRO, J.P., LEVENTHAL, CHAMBERS and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

June 7, 2011

MILLER v NASSAU COUNTY CIVIL SERVICE COMMISSION