

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

1169

CA 17-00698

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

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IN THE MATTER OF ARBITRATION BETWEEN  
MICHELLE WIDRICK, PETITIONER-RESPONDENT,

AND

MEMORANDUM AND ORDER

SHERIFF MICHAEL CARPINELLI, LEWIS COUNTY  
SHERIFF'S DEPARTMENT AND LEWIS COUNTY  
ATTORNEY, RESPONDENTS-APPELLANTS.

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THE LAW FIRM OF FRANK W. MILLER, EAST SYRACUSE (FRANK W. MILLER OF  
COUNSEL), FOR RESPONDENTS-APPELLANTS.

O'HARA, O'CONNELL & CIOTOLI, FAYETTEVILLE (STEPHEN CIOTOLI OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from an order of the Supreme Court, Lewis County (Charles C. Merrell, J.), entered January 10, 2017. The order denied the motion of respondents to dismiss the petition and granted the petition to compel arbitration.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs, the motion is granted and the petition is dismissed.

Memorandum: Petitioner commenced this CPLR article 75 proceeding seeking to compel arbitration of a purported grievance arising from the termination of her employment with respondent Lewis County Sheriff's Department. We agree with respondents that Supreme Court erred in granting the petition and in denying their motion to dismiss the petition. Pursuant to the express terms of the collective bargaining agreement between petitioner's union and the County of Lewis, only the union had the right to demand arbitration of a grievance arising from a dispute involving her employment. Here, the union made no demand for arbitration, and petitioner's demand for arbitration had no legal effect (see *County of Westchester v Mahoney*, 56 NY2d 756, 758 [1982]; *Matter of Gonzalez v County of Orange Dept. of Social Servs.*, 250 AD2d 849, 850 [2d Dept 1998]; *East Ramapo Cent. Sch. Dist. v Symanski*, 90 AD2d 821, 821-822 [2d Dept 1982]).

Entered: November 9, 2017

Mark W. Bennett  
Clerk of the Court