

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

1010

TP 11-00600

PRESENT: SCUDDER, P.J., SMITH, LINDLEY, SCONIERS, AND GORSKI, JJ.

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IN THE MATTER OF TRACY E. SCOTT, PETITIONER,

V

MEMORANDUM AND ORDER

BETH BERLIN, EXECUTIVE DEPUTY COMMISSIONER,  
NEW YORK STATE OFFICE OF TEMPORARY AND  
DISABILITY ASSISTANCE, AND LAURA CEROW,  
COMMISSIONER, JEFFERSON COUNTY DEPARTMENT OF  
SOCIAL SERVICES, RESPONDENTS.

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LEGAL AID SOCIETY OF MID-NEW YORK, INC., WATERTOWN (TERRENCE J. WHELAN  
OF COUNSEL), FOR PETITIONER.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF  
COUNSEL), FOR RESPONDENT BETH BERLIN, EXECUTIVE DEPUTY COMMISSIONER,  
NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.

CARACCIOLI & NELSON, PLLC, WATERTOWN (KEVIN C. CARACCIOLI OF COUNSEL),  
FOR RESPONDENT LAURA CEROW, COMMISSIONER, JEFFERSON COUNTY DEPARTMENT  
OF SOCIAL SERVICES.

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Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Jefferson County [Hugh A. Gilbert, J.], entered March 11, 2011) to review a determination of respondents. The determination discontinued petitioner's Public Assistance and Food Stamps.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the petition is dismissed.

Memorandum: The determination sanctioning petitioner for failure to comply with the job search requirements of a work experience program without good cause is supported by substantial evidence (*see Matter of Gokey v Berlin*, 73 AD3d 1472; *Matter of LaSalle v Wing*, 256 AD2d 1243; *Matter of Bishop v New York State Dept. of Social Servs.*, 246 AD2d 391, *lv denied* 91 NY2d 813). Contrary to petitioner's contention, the sanctions imposed for her failure to comply with those requirements were proper (*see Social Services Law* § 131 [5]). We have considered petitioner's remaining contentions and conclude that they are without merit.

Entered: September 30, 2011

Patricia L. Morgan  
Clerk of the Court