

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

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**TP 12-00620**

PRESENT: SCUDDER, P.J., CENTRA, CARNI, LINDLEY, AND SCONIERS, JJ.

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IN THE MATTER OF JOSEFINE LARATONDA,  
PETITIONER,

V

ORDER

CAROL DANKERT, COMMISSIONER, ERIE COUNTY  
DEPARTMENT OF SOCIAL SERVICES, NIRAV R. SHAH,  
COMMISSIONER, NEW YORK STATE DEPARTMENT OF  
HEALTH, AND ELIZABETH BERLIN, ACTING  
COMMISSIONER, OFFICE OF ADMINISTRATIVE HEARINGS,  
NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY  
ASSISTANCE, RESPONDENTS.

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LEGAL SERVICES FOR THE ELDERLY, DISABLED OR DISADVANTAGED OF WESTERN  
NEW YORK, INC., BUFFALO (ANTHONY H. SZCZYGIEL OF COUNSEL), FOR  
PETITIONER.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF  
COUNSEL), FOR RESPONDENTS NIRAV R. SHAH, COMMISSIONER, NEW YORK STATE  
DEPARTMENT OF HEALTH, AND ELIZABETH BERLIN, ACTING COMMISSIONER,  
OFFICE OF ADMINISTRATIVE HEARINGS, NEW YORK STATE OFFICE OF TEMPORARY  
AND DISABILITY ASSISTANCE.

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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, Erie County [John F.  
O'Donnell, J.], entered April 2, 2012) to review a determination of  
New York State Department of Health. The determination found that  
petitioner was permanently absent and subject to Chronic Care  
budgeting status effective August 1, 2010.

It is hereby ORDERED that the determination is unanimously  
confirmed without costs and the petition is dismissed for reasons  
stated in the decision of New York State Department of Health.

Entered: February 1, 2013

Frances E. Cafarell  
Clerk of the Court