

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

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**TP 25-00862**

PRESENT: CURRAN, J.P., BANNISTER, NOWAK, DELCONTE, AND HANNAH, JJ.

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IN THE MATTER OF CASHEENA WILLIAMS, PETITIONER,

V

MEMORANDUM AND ORDER

BARBARA GUINN, COMMISSIONER, NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE,  
RESPONDENT.

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NEIGHBORHOOD LEGAL SERVICES, INC., BUFFALO (LARRY E. WATERS, JR., OF  
COUNSEL), FOR PETITIONER.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (BRIAN LUSIGNAN OF COUNSEL),  
FOR RESPONDENT.

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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 [Catherine R. Nugent Panepinto, J.], entered May 16, 2025) to review a determination of respondent. The determination, among other things, imposed a 12-month disqualification penalty on petitioner's eligibility for Supplemental Nutrition Assistance Program benefits.

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

Memorandum: In this CPLR article 78 proceeding transferred to this Court pursuant to CPLR 7804 (g), petitioner seeks, inter alia, to annul a determination following a fair hearing finding that she committed an intentional program violation of the Supplemental Nutrition Assistance Program (SNAP) by failing to report her daughter's employment income when she applied for recertification, which resulted in petitioner receiving an overissuance of SNAP benefits and disqualified her from receiving SNAP benefits for twelve months. We confirm the determination.

"[T]he role of a court reviewing an administrative determination is limited to ensuring that the determination arrived at following an adversarial hearing is supported by substantial evidence" (*Matter of Bello v New York State Off. of Temporary & Disability Assistance*, 90 AD3d 1706, 1706 [4th Dept 2011], *lv denied* 18 NY3d 810 [2012] [internal quotation marks omitted]; see CPLR 7803 [4]; *Faber v Merrifield*, 11 AD3d 1009, 1010 [4th Dept 2004]), and not, as petitioner contends, by clear and convincing evidence. Substantial evidence is "such relevant proof as a reasonable mind may accept as

adequate to support a conclusion or ultimate fact" (300 Gramatan Ave. Assoc. v State Div. of Human Rights, 45 NY2d 176, 180 [1978]). We conclude that the determination that petitioner intentionally failed to disclose her daughter's income is supported by substantial evidence (see *Matter of Smith v Wing*, 1 AD3d 933, 934 [4th Dept 2003]; *Matter of Williams v Perales*, 156 AD2d 697, 698 [2d Dept 1989]). It was established at the administrative hearing that petitioner, knowing that she was required to disclose the income of everyone living with her, disclosed her own income but not the income of her daughter and, contrary to petitioner's contention, it is "readily inferable therefrom that she acted intentionally" (*Smith*, 1 AD3d at 934). Additionally, although respondent was presented with conflicting evidence with respect to whether the daughter's income was disclosed, "[i]t is for the administrative tribunal, not the courts, to weigh conflicting evidence, assess the credibility of witnesses, and determine which [evidence] to accept and which to reject . . . This Court may not substitute its judgment for that of respondent" in rejecting petitioner's position that her daughter's income was disclosed (*Bello*, 90 AD3d at 1707 [internal quotation marks omitted]; see *Smith*, 1 AD3d at 934; see generally *Matter of Czerwiak v Wing*, 245 AD2d 1098, 1098 [4th Dept 1997]).

We reject petitioner's further contention that supplemental evidence was allowed at the administrative hearing and therefore respondent's determination was affected by an error of law inasmuch as we conclude that respondent complied with the regulations (see 18 NYCRR 359.5, 359.7). Petitioner's remaining contention, that she is entitled to attorneys' fees, is without merit (see generally CPLR 8601 [a]).