

D'Auria v Metro-North Commuter R.R.

2025 NY Slip Op 33765(U)

September 30, 2025

Supreme County, New York County

Docket Number: Index No. 450616/2025

Judge: Leslie A. Stroth

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LESLIE A. STROTH PART 12M

Justice

INDEX NO. 450616/2025

CHRISTOPHER D'AURIA

Plaintiff,

MOTION DATE 07/15/2025, 07/15/2025

- v -

MOTION SEQ. NO. 001 001

METRO-NORTH COMMUTER RAILROAD,

Defendant.

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27

were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27

were read on this motion to/for DISMISS

FACTUAL BACKGROUND

Petitioner Christopher D'Auria commenced this proceeding pursuant to Article 78 of the CPLR challenging Metro-North Commuter Railroad's determination to disapprove his application for employment. By letter dated January 24, 2024, Metro-North advised Petitioner that his application had been disapproved.

The employment relationship at issue is governed by a collective bargaining agreement ("CBA") between Metro-North and the Association of Commuter Rail Employees - Rail Traffic Controllers Local Division 113 (ACRE-RTC). Rule 19 of the CBA sets forth a grievance process whereby an aggrieved employee may challenge an adverse employment determination by filing a written grievance, appealing denials to Metro-North's Labor Relations Department, and, if unsuccessful, pursuing review before an impartial arbitrator under the Railway Labor Act.

Consistent with this process, ACRE-RTC submitted a grievance on Petitioner's behalf on February 7, 2024, which Metro-North denied the following day. A subsequent appeal was denied by Metro-North's Labor Relations Department on May 22, 2024. On June 10, 2024, ACRE-RTC formally requested arbitration before an impartial arbitrator pursuant to Rule 22 of the CBA. At present, that arbitration remains pending.

Petitioner nevertheless commenced this Article 78 proceeding, alleging that Metro-North's decision was arbitrary, capricious, and in violation of due process guarantees. Respondent moves to dismiss, arguing that the petition is barred by Petitioner's failure to exhaust administrative remedies under the CBA.

LEGAL STANDARD

Judicial review of an administrative determination is limited to whether the determination was made "in violation of lawful procedure, was affected by an error of law or was arbitrary and capricious or an abuse of discretion..." CPLR 7803(3). In *Matter of Pell v Board of Educ.* (34 NY2d 222, 231 [1974]), the Court of Appeals held that an action is "arbitrary and capricious" when it is "...without sound basis in reason and is generally taken without regard to the facts." If the Court finds that the determination is supported by a rational basis, it must sustain the determination. (Id.) Further, CPLR 7803 allows judicial review only to "the final determination or order of the state review officer."

In the context of terminations and grievance procedures set forth by a collective bargaining agreement, "an aggrieved union member whose employment is subject to a collective bargaining agreement between the union and the employer must first avail himself of the grievance procedure set forth in the agreement before he can commence an action seeking relief under CPLR article 78." (*Katz v Carranza*, 187 AD3d 470, 471 [1st Dept 2020] citing *Matter of*

Plummer v Klepak, 48 NY2d 486, 489 [1979], *cert denied* 445 US 952 [1980]). Failure to complete the grievance procedures set forth in a collective bargaining agreement amounts to a failure to exhaust an administrative remedy for the purposes of obtaining Article 78 relief. (*see* *Fluellen v Hanley*, 45 AD3d 350, 351 [1st Dept 2007]; *Matter of Amorosano-LePore v Grant*, 56 AD3d 663, 664 [2d Dept 2008]).

DISCUSSION

Here, the Petition must be dismissed for failure to exhaust administrative remedies. Rule 19 of the CBA expressly provides that disputes over disapprovals of employment applications are to be processed through a multi-step grievance procedure culminating in binding arbitration under the Railway Labor Act. The record demonstrates that Petitioner, through his union, has invoked this grievance process and that ACRE-RTC has already requested impartial arbitration. Arbitration has not yet occurred. Thus, there is no “final determination” for this Court to review within the meaning of CPLR 7803.

Petitioner’s argument that Metro-North’s disapproval of his application was arbitrary and capricious cannot be considered by this Court at this stage because the CBA requires resolution through arbitration. As the Appellate Division has made clear, an employee may not bypass bargained-for grievance and arbitration procedures by seeking Article 78 relief in the first instance (*Katz*, 187 AD3d 470 at 471).

Moreover, even if review were proper, the record does not establish that Metro-North’s action was taken “without sound basis in reason.” Metro-North followed the grievance procedure outlined in the CBA, issued written denials at each step, and allowed Petitioner’s union to pursue arbitration. This sequence of events evidences adherence to the contractual framework, not arbitrary or capricious conduct.

Accordingly, the Court finds that Petitioner has failed to exhaust his contractual remedies and, alternatively, has not demonstrated that Metro-North's determination was arbitrary, capricious, or otherwise unlawful, and as such the Article 78 petition is dismissed.


The court has considered the remaining arguments of the parties and finds such unavailing.

Accordingly; it is hereby

ORDERED that Petitioner's Article 78 petition is denied and Respondent's motion to Dismiss is granted.

The foregoing constitutes the decision and order of the court.

9/30/2025
DATE


HON. LESLIE A. STROTH
J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN
 DENIED

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: