Page v City of N.Y. Civ. Serv. Commn.
2026 NY Slip Op 31586(U)
April 10, 2026
Suprerme Court, New York County
Docket Number: Index No. 161960/2025
Judge: Phaedra F. Perry-Bond
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: **HON. PHAEDRA F. PERRY** **PART** **35**

Justice

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JAZUNN PAGE,

Plaintiff,

- V -

CITY OF NEW YORK CIVIL SERVICE COMMISSION, NANCY G. CHAFFETZ, CHAIR AND COMMISSIONER, CITY OF NEW YORK, DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES, LOUIS MOLINA, COMMISSIONER, NEW YORK CITY HOUSING AUTHORITY, LISA BOVA-HIATT, CHIEF EXECUTIVE OFFICER, THE CITY OF NEW YORK

Defendant.

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INDEX NO. 161960/2025

MOTION DATE 09/09/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 15, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

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

Petitioner Jazunn Page ("Petitioner") brings this proceeding under CPLR Article 78 to vacate the June 13, 2025, decision of the New York City Civil Service commission ("CSC") affirming his disqualification for the position of Plumber's Helper at the New York City Housing Authority ("NYCHA"). Respondents the City of New York, CSC, Department of Citywide Administrative Services ("DCAS"), Nancy Chaffertz, and Louis Molina (collectively "Respondents") oppose the motion. For the reasons discussed, the motion is denied.

BACKGROUND

Petitioner worked as a City Laborer at NYCHA from March 18, 2019, until his temporary employment was terminated on August 23, 2019. Petitioner is currently employed as a Plumber's Helper with the New York City Department of Corrections (DOC), where he has worked for

over two years. Petitioner was offered a job by the New York City Housing Authority ("NYCHA") on August 1, 2024. Subsequently, during an investigation into Petitioner it was discovered Petitioner had been terminated from his prior employment with NYCHA in 2019 due to a workplace incident between him and his NYCHA supervisor.

On September 4, 2024, Petitioner received a letter from NYCHA rescinding the job offer. On September 13, 2024, Petitioner received a Notice of Proposed Disqualification for List Eligible Requirements which indicated the reason for the offer rescission, was due to prior unsatisfactory public employment. Upon further inquiry, Petitioner learned that the reason stemmed from a disagreement in August 2019 between Petitioner and his NYCHA supervisor. That incident resulted in Petitioner's early termination and in Petitioner filing a discrimination complaint with NYCHA and the State Division of Human Rights (SDHR).

Petitioner's retained counsel sent a letter to NYCHA citing Petitioner's good standing as a public employee and retaliation claims by the NYCHA supervisor.

On October 24, 2024, NYCHA issued a Notice of Disqualification (NOD) based upon "unsatisfactory prior public employment" as the reason for the disqualification. The NOD was accompanied by a letter explaining that Petitioner "was not disqualified for filing a complaint but rather for the misconduct that led to his termination." The letter further stated that the SDHR found no probable cause for Petitioner's complaint and Petitioner failed to file a lawsuit challenging his termination.

On November 25, 2024, Petitioner, through counsel, filed an appeal with the CSC. DCAS on behalf of NYCHA, issued a report defending the agency's decision.

On June 13, 2025, CSC adopted the findings presented in the DCAS report and concluded that the record supported Petitioner's disqualification.

ARGUMENTS

Petitioner argues that the disqualification was arbitrary and capricious, made without an appropriate investigation or inquiry, and violated lawful procedure under Civil Service Law §50(4)(e) Executive Law § 296(7), and the NYC Administrative Code § 8107(7). Petitioner further alleges that the "Unsatisfactory Prior Public Employment" and an unsubstantiated claim of workplace violence is arbitrary and capricious, and unsupported by evidence.

Petitioner contends that his personnel file contains no documentation supporting NYCHAS's claim that Petitioner was terminated for workplace violence or misconduct nor does it reflect any record of the verbal disagreement with the supervisor or any formal investigation into the incident.

Respondents argue that Petitioner is misinterpreting Civil Service Law 50(4)(e) in that it does not mandate both an appropriate investigation and inquiry that an employee's resignation or termination resulted from misconduct. Rather, Respondents argue that the statute states an investigation, or inquiry is required and that the inquiry done, reviewing relevant records related to Petitioner's termination including the SDHR's Determination and Order after Investigation is permitted and sufficient under the statute. Further, they argue that DCAS and CSC were entitled to rely on the SDHR's investigation and findings that Petitioner was terminated for misconduct, that his termination was not in bad faith or for an impermissible reason and no further investigation was necessary under the statute.

They also argue that although he is currently employed as a Plumber's Helper with New York Department of Corrections (DOC), his employment at DOC does not preclude NYCHA from disqualifying him based on his unsatisfactory prior public employment.

LEGAL ANALYSIS

Standard of Review Article 78 review is permitted, where it is alleged, a 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…." NY CPLR §7803(3). "Arbitrary" for the purpose of the statute is interpreted as "when it is without sound basis in reason and is taken without regard to the facts." (*Pell v Board of Ed. of Union Free School Dist. No. of the Towns of Scarsdale and Mamaroneck, Westchester Cty.* 34 NY2d 222, 231 [1974]).

A court can overturn an administrative action only if the record illuminates there was no rational basis for the decision. Id. "Rationality is what is reviewed under both the substantial evidence rule and the arbitrary and capricious standard." Id. If the court reviewing the determination finds that "[the determination] is supported by facts or reasonable inferences that can be drawn from the records and has a rational basis in the law, it must be confirmed." *American Telephone & Telegraph v. State Tax Comm'n* 61 NY2d 393, 400 [1984]. It is well established that the court should not disturb an administrative body's determination once it has been established that the decision is rational, *Matter of Sullivan Cnty. Harness Racing Ass'n, Inc. v. Glasser*, 30 NY2d 269 [1972]; *Presidents' Council of Trade Waste Assns. v New York*, 159 AD2d 428, 430 [1st Dept 1990].

DCAS has the power to investigate and determine the qualifications of applicants for Civil Service positions, while the power reserved for CSC are those of an appeals board to hear and decide appeals by people aggrieved by DCAS's determinations. (*Matter of City of New York v New York City Civ. Serv. Commn.* 20 AD3d 347, 347-348, 800 N.Y.S.2d 1 (1st Dept 2005).

To the extent that the Respondents argue that Petitioner brought this Petition beyond the four-month statute of limitations and is now time- barred from now bringing this action, that

argument is baseless. A special proceeding commenced pursuant to Article 78 to challenge an administrative agency's final determination must be made within four months after the determination becomes final. (CPLR § 217(1); *Solnick v. Whalen*, 49 N.Y.2d 224, 232, 401 N.E.2d 190, 425 N.Y.S.2d 68 (1980)). A determination becomes final once it "impose[s] an obligation, denies] a right, or fix[es] some legal relationship as a consummation of the administrative process." (*Essex Cnty. v. Zagata,* 91 N.Y.2d 447, 453, 695 N.E.2d 232, 672 N.Y.S.2d 281 (1998) (quoting *Chi. & S. Air Lines v. Waterman Corp.*, 333 U.S. 103, 113, 68 S. Ct. 431, 92 L. Ed. 568 (1948)). An agency's decision is not final if the party's grievance may be "prevented or significantly ameliorated by further administrative action or by steps available to the complaining party." *Id.* (quoting *Church of St. Paul & St. Andrew v Barwick,* 67 N.Y.2d 510, 520, 496 N.E.2d 183, 505 N.Y.S.2d 24 (1986)). In this case, Petitioner was aggrieved once CSC issued their decision on June 13, 2025, and the four-month statute of limitations began to run at that point. Petitioner filed this Petition on September 5, 2025, well within the four-month required time.

Petitioner's argument that the decision to disqualify him from the eligible list was made without an appropriate investigation or inquiry is misplaced.

New York Civil Service Law §50(4)(e) authorizes disqualification of a candidate who has been dismissed from a permanent position in the public service upon stated written charges of incompetency or misconduct, after an opportunity to answer such charges in writing, or who has resigned from, or whose service has otherwise been terminated in, a permanent or temporary position in the public service, where it is found after appropriate investigation or inquiry that such resignation or termination resulted from his incompetency or misconduct …

In this case, an inquiry was done and included reviewing relevant records including the SDHR's Determination and Order after Investigation. The SDHR reviewed Petitioner's 2019 termination and concluded that NYCHA terminated Petitioner's temporary employment based on three non-discriminatory reasons, specifically, poor work performance, poor timekeeping and recording and threatening behavior. Moreover, the SDHR found that Petitioner incurred 151 minutes of recorded lateness in five months, and witness testimony confirmed that Petitioner behaved inappropriately during the incident involving his supervisor on August 21, 2019. To the extent Petitioner argues that the SDHR report does not constitute the appropriate investigation or inquiry contemplated by statute, that argument is meritless. Indeed, that report investigated whether Petitioner's termination was not done in bad faith but was based on his misconduct. Further Petitioner cites to nothing in the statue that the SDHR report is not the appropriate investigation inquiry contemplated in the statue nor does he provide any evidence that the character references submitted were not taken into consideration.

Petitioner failed to establish that Respondent's actions in disqualifying him was an abuse of discretion, arbitrary and capricious and in violation of Civil Service Law §50(4)(e).

Based on the information stated above, NYCHA lawfully and rationally disqualified Appellant for the position of Plumber's Helper.

The Court has considered the remainder of the parties' contentions and finds them to be unavailing.

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Accordingly, it is hereby,

ORDERED and ADJUDGED that the Petition is denied in its entirety, and it is further

ORDERED that within ten days of entry, counsel for Respondents shall serve a copy of the Decision and Order, with notice of entry on all parties via NYSCEF.

This constitutes the Decision and Order of the Court.

4/10 /2026
DATE

PHAEDRA F. PERRY-BOND, J.S.C.

CHECK ONE:	[X]	CASE DISPOSED		[ ]	NON-FINAL DISPOSITION		
	[ ]	GRANTED	[X] DENIED	[ ]	GRANTED IN PART	[X]	OTHER
APPLICATION:	[ ]	SETTLE ORDER		[ ]	SUBMIT ORDER		
CHECK IF APPROPRIATE:	[ ]	INCLUDES TRANSFER/REASSIGN		[ ]	FIDUCIARY APPOINTMENT	[ ]	REFERENCE