

Robinson v City of New York
2026 NY Slip Op 31952(U)
May 6, 2026
Supreme Court, New York County
Docket Number: Index No. 155157/2025
Judge: Arlene P. Bluth
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ARLENE P. BLUTH PART 14

Justice

-----X

JAMEL ROBINSON,

Petitioner,

- v -

CITY OF NEW YORK, NEW YORK CITY
ADMINISTRATION FOR CHILDREN'S SERVICES, STATE
OF NEW YORK JUSTICE CENTER FOR THE
PROTECTION OF PEOPLE WITH SPECIAL NEEDS

Respondents.

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INDEX NO. 155157/2025

MOTION DATE 04/02/2026

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001)1- 9, 10, 11, 12, 13, 27, 28, 29, 30, 31, 32, 35

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

The petition to annul the determination of respondents and to reinstate petitioner to his role as a Youth Development Specialist is denied for the reasons detailed below.

Background

In this proceeding, petitioner Jamel Robinson (“Mr. Robinson” or “petitioner”) contends that respondents wrongfully terminated him from his role as a Youth Development Specialist. Mr. Robinson was convicted of murder in the second degree as a juvenile offender in 2005. According to the record before this Court, when he was fifteen years old, he and an accomplice brutally attacked a homeless man four times over the course of a night. Ultimately, they pried nearly two dozen bricks from a garden pathway, threw the bricks at him, and broke his head and chest in fourteen places, killing him.

Mr. Robinson was convicted and was incarcerated for almost fifteen years, and he completed parole after that. Very few people are the same at fifteen as they are at forty, and Mr.

Robinson seems to have done a great deal of work on himself to turn his life around; he should be proud of the progress he has made. All indications are that he paid his debt to society, obtained a certificate of relief from disabilities, and has never been in any legal trouble again. He got an education, attended all rehabilitation/anger-management classes prison had to offer, and has worked hard to create a productive life.

Mr. Robinson disclosed his criminal conviction to the respondent New York City Administration for Children's Services ("ACS") in or around June 2024 when he applied to work at the Crossroads Juvenile Center ("CJC"), the same center where he spent the first eleven months of his sentence so many years ago. Respondents describe CJC as a secure detention center reserved for youth who pose the highest risk and/or have been accused of committing serious offenses. To work at CJC (and work with at-risk youths) the State of New York Justice Center for the Protection of People with Special Needs ("Justice Center") had to approve Mr. Robinson's employment after evaluating him and his background.

About five months after he submitted his application, and a little more than two weeks after he started at CJC, Mr. Robinson received a letter dated November 14, 2024 from the Justice Center which instructed him to submit evidence of his rehabilitation in light of the results of his criminal background check which turned up his (already disclosed) conviction (NYSCEF Doc. No. 4). That letter notified him that his conviction may disqualify him. In response, Mr. Robinson submitted about sixty pages of supporting documentation, including a personal statement, his certificate of relief from disabilities, documentation of his educational achievements while incarcerated (which included *inter alia* the completion of a GED and an associate's degree), and numerous letters of recommendation including letters from his parole

officer and the education coordinator at the correctional facility where Mr. Robinson served the majority of his sentence (NYSCEF Doc. No. 5).

From the record before this Court, it appears that CJC mistakenly hired Mr. Robinson “provisionally” without first getting the “all clear” from the Justice Center’s background check – they claim here that they believed he had cleared that hurdle. In any event, he was eventually informed that he did not clear it; he started working at CJC on October 27, on November 14 the Justice Center asked for more information and put him on notice that his conviction may disqualify him. Then, in a letter dated December 26, 2024, the Justice Center required CJC to inform Mr. Robinson that his criminal history record was the basis for denial of his continued employment (NYSCEF Doc. No. 6). Mr. Robinson was then informed by letter dated December 30, 2024 that he was discharged from his employment effective that same day (NYSCEF Doc. No. 7). After submitting a request for the reasons for his termination, ACS responded in a letter dated March 20, 2025 that the Justice Center determined that Mr. Robinson’s employment must be denied because of his criminal conviction (NYSCEF Doc. No. 8).

The Parties’ Contentions

Petitioner contends that his termination was improper as it was based solely on his criminal history with no finding of a direct link to his employment or unreasonable risk to the property or safety of the clients of the CJC or the general public, and that due consideration was not given to the mitigating factors and good conduct on his record.

The Justice Center contends that the petition should be dismissed, that it did consider petitioner’s application – looking at both petitioner’s criminal history and balancing it against the numerous accomplishments and recommendations that petitioner submitted for consideration. The Justice Center details that its criminal background check unit processes criminal background

reviews and during the background check process, the Justice Center contemporaneously documents the rationale for the final determination in a memorandum. When making its determination, the Justice Center details that it weighs two policy factors – the state’s policy of encouraging employment of people with criminal backgrounds – and the protection of the safety and welfare of individuals who are served by licensed providers, such as CJC.

The Justice Center states that after petitioner submitted his documents for review, they considered his whole packet. Andrew Hartman, an attorney and the director of the criminal background check unit, performed the criminal background check and reached the determination that denial of employment was warranted, as memorialized in the internal memorandum which lists a determination date of December 23, 2024 (NYSCEF Doc. No. 25). The Justice Center argues that its determination was based on the careful consideration of the record before it, that its decision was not arbitrary or capricious or a breach of discretion, and asks that its determination to deny petitioner’s employment be upheld.

Respondents City of New York and ACS (collectively “City Respondents”) also argue that the petition should be dismissed, that the actions they took in relation to petitioner’s dismissal were not arbitrary and capricious, and that ACS had a rational basis for terminating petitioner’s employment. ACS details that they have no duty or power to review applicants’ criminal backgrounds – that is the purview of the Justice Center. ACS therefore details that it was bound by the Justice Center’s determination that petitioner’s employment had to be terminated.

In reply, petitioner argues that the Justice center failed to properly describe the duties and responsibilities of the Youth Development Specialist and how the conviction bears on his fitness to conduct those specific duties. Petitioner further argues that the Justice Center failed to credit

him with the presumption of rehabilitation on account of his Certificate of Relief from Disabilities.

Discussion

“In an article 78 challenge to an agency determination for which no administrative hearing was required, judicial review is limited to whether the determination was irrational, arbitrary and capricious or contrary to law. Administrative action is irrational or arbitrary and capricious if it is taken without sound basis in reason or regard to the facts. If a determination is rational it must be sustained even if the court concludes that another result would also have been rational” (*Matter of A.Z. v City Univ. of NY, Hunter Coll.*, 197 AD3d 1027, 1028 [1st Dept 2021] [internal quotations and citations omitted]).

New York Correction Law § 752 prohibits unfair discrimination in the hiring of persons convicted of criminal offenses where a finding of lack of good moral character is based solely on the fact that this individual was previously convicted of a crime. There are two exceptions: when there is a direct relationship between the criminal offense and the specific employment sought, or when the granting or continuance of the employment would involve an unreasonable risk to the property, safety, or welfare of the specific individuals to be served in the employment, or to the general public.

Correction Law § 753 details the eight different factors to be considered when making a determination pursuant to § 752. Correction Law § 753 (2) states, “In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.”

“If the employer or agency considers all eight factors listed in section 753 (1), it need not in every case produce independent evidence to rebut the presumption of rehabilitation before denying a license or employment. In some cases, consideration of other factors such as severity of the criminal offenses, the age of the offender at the time of the offenses, the passage of time between the offenses and the application, and the nature of the license or employment sought can warrant denial of the license notwithstanding the absence of new evidence specifically addressed at overcoming the presumption of rehabilitation” (*Bonacorsa v Van Lindt*, 71 NY2d 605, 614 [1988]).

Here, the question is not whether this Court would have made the same decision; it is whether the decision of the Justice Center was arbitrary, capricious or irrational. The Court finds that the Justice Center has properly considered the relevant factors pursuant to Correction Law §§ 752 and 753, and its determination is not arbitrary, is not capricious and is not irrational. While other jobs may be appropriate, the Justice Center rationally determined that, even with the passage of time and progress made, petitioner’s history of the violent murder of a vulnerable homeless man made him ineligible to work with vulnerable at-risk youth at CJC. It is not arbitrary to consider all the factors and decide to proceed with caution in favor of protecting vulnerable CJC clients. The Court therefore denies the petition and dismisses the proceeding.

In this decision, this Court does not diminish the progress that Mr. Robinson has made since his conviction over 20 years ago; as stated earlier, he should be proud. But the Justice Center’s job is to protect the vulnerable at-risk CJC youth, and there are other jobs that do not involve working with such a highly vulnerable population. The Court also notes that petitioner unfairly got his hopes up because he believed he had secured employment only to find out that, when he was appointed as a Youth Development Officer in or around October 27, 2024, ACS

mistakenly believed he had already cleared the Justice Center background check. While the City Respondents may have dropped the ball, that is not a reason to disturb the Justice Center's determination.

In the Justice Center's internal memorandum at NYSCEF Doc. No. 25, it is clear that the agency carefully considered all of the factors enumerated in Corrections Law § 753. Petitioner also complained that this document was insufficient because the agency did not adequately detail the duties that would be required for the role of Youth Development Specialist, so a proper analysis could not even be made as to whether petitioner had shown he was rehabilitated. Again, the Court disagrees.

The memo details that a "Youth Development Specialist provides direct care, supervision and counseling of youth in detention including searches and prevention of physical alte [sic]." Clearly the rest of the sentence is cut off, and it likely should say "prevention of physical altercations." In any event – providing direct care, supervision, and counseling to youth in detention, including searches, adequately states the duties and responsibilities related to the job.

The Court also finds that the Justice Center linked petitioner's past criminal conviction to the employment he sought, and the agency acted rationally in concluding that the continuation of petitioner's employment would involve an unreasonable risk to the property, safety, or welfare of specific individuals – the minors living in detention that he would supervise.

When considering the extremely sensitive nature of this employment – in the direct care, supervision, and counseling of youth in detention – in a secure detention center reserved for youth who pose the highest risk and/or have been accused of committing serious offenses – it is rational for an agency to exercise extreme caution in granting employment to an individual

whose criminal conviction was for the extremely serious offense of a vicious murder – of an individual who was in a vulnerable position.

Accordingly, it is hereby

ADJUDGED that the petition is denied and this proceeding is dismissed without costs or disbursements.

5/6/2026
DATE


ARLENE P. BLUTH, J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED
SETTLE ORDER

DENIED

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: