

<b>Matter of Board of Educ. of Yonkers Pub. Schools v New York State Div. of Human Rights</b>
2009 NY Slip Op 04897
Decided on June 9, 2009
Appellate Division, Second Department
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Decided on June 9, 2009

**SUPREME COURT OF THE STATE OF NEW YORK**  
**APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT**  
 REINALDO E. RIVERA, J.P.  
 RUTH C. BALKIN  
 JOHN M. LEVENTHAL  
 PLUMMER E. LOTT, JJ.

2008-02566  
(Index No. 9754/07)

**[\*1]In the Matter of Board of Education of Yonkers Public Schools, petitioner,**

**v**

**New York State Division of Human Rights, et al., respondents.**

Donoghue, Thomas, Auslander & Drohan, LLP, Hopewell Junction,  
 N.Y. (James P. Drohan and Neelanjan Choudhury of counsel), for  
 petitioner.  
 Robert David Goodstein, New Rochelle, N.Y. (Paula Johnson  
 Kelly of counsel), for the respondent  
 Rene Acevedo.

**DECISION & JUDGMENT**

Proceeding, inter alia, pursuant to Executive Law § 298 to review a determination of the Commissioner of the New York State Division of Human Rights dated March 30, 2007, which adopted the recommendation of an administrative law judge, made after a hearing, finding, inter alia, that the petitioner Board of Education of the Yonkers Public Schools discriminated against the complainant in violation of the Human Rights Law (Executive Law § 296[16]).

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, with costs.

Contrary to the petitioner's contention, there is substantial evidence in the record to support the determination under review (*see Matter of Lieberman v City of New York*, 52 AD3d 719; *Sheriff's Dept. v State Div. of Human Rights*, 129 AD2d 789).

The petitioner's remaining contentions are without merit.  
RIVERA, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:

James Edward Pelzer

Clerk of the Court

[Return to Decision List](#)