

SUPREME COURT-STATE OF NEW YORK
IAS PART-ORANGE COUNTY

Present: HON. NICHOLAS DEROSA, A.J.S.C.

SUPREME COURT : ORANGE COUNTY

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LINDA O'SULLIVAN f/k/a LINDA BOESE,

Petitioner,

-against-

To commence the statutory time period for appeals as of right (CPLR 5513 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

MARGARET G. KING, in her capacity as Regional Director of the New York State Division of Human Rights, and RAMAPO PRACTICE MANAGEMENT, LLC,

Respondents.

Index No. 1577/2007
Motion Date: Apr. 5, 2007

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The following papers numbered 1 to 7 were read on this proceeding pursuant to Executive Law § 298 and CPLR Article 78 to review a determination of respondent Margaret G. King, dated December 22, 2006, which dismissed petitioner's complaint, finding no probable cause to believe that respondent Ramapo Practice Management, LLC had engaged in discriminatory labor practices:

Order to Show Cause-Petition-Exhibit.....	1-3
Verified Answer.. ..	4
Verified Answer-Exhibits 1-4.....	5-6
Certified Record.....	7

Upon the foregoing papers it is ORDERED and ADJUDGED that the determination is confirmed and the proceeding is dismissed on the merits, without costs or disbursements.

Courts must uphold determinations of the New York State Division of Human Rights unless they are arbitrary, capricious or lack a rational basis (see Matter of Jo v May Department Stores Co., 21 AD3d 614). Although petitioner claims that respondent Ramapo Practice

Management, LLC, her former employer, discriminated against her due to a medical disability, the record indicates that respondent accommodated her requests for modifications in work hours and duties, but that her job performance had admittedly suffered during the period in question because of family problems. Accordingly, respondent Margaret G. King's finding of a lack of probable cause to proceed was supported by substantial evidence in the record and had a rational basis.

The foregoing constitutes the decision, order and judgment of the court.

Dated: ~~May~~ *6/14*, 2007
Goshen, New York

~~ENTER~~

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