

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

674

TP 09-02451

PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND PINE, JJ.

IN THE MATTER OF LORI GOKEY, PETITIONER,

V

MEMORANDUM AND ORDER

BETH BERLIN, EXECUTIVE DEPUTY COMMISSIONER,
NEW YORK STATE OFFICE OF TEMPORARY AND
DISABILITY ASSISTANCE, AND LAURA CEROW,
COMMISSIONER, JEFFERSON COUNTY DEPARTMENT OF
SOCIAL SERVICES, RESPONDENTS.

LEGAL AID SOCIETY OF MID-NEW YORK, INC., WATERTOWN (TERRENCE J. WHELAN
OF COUNSEL), FOR PETITIONER.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATHLEEN M. TREASURE OF
COUNSEL), FOR RESPONDENT BETH BERLIN, EXECUTIVE DEPUTY COMMISSIONER,
NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.

CARACCIOLI & NELSON, PLLC, OSWEGO (KEVIN C. CARACCIOLI OF COUNSEL),
FOR RESPONDENT LAURA CEROW, COMMISSIONER, JEFFERSON COUNTY DEPARTMENT
OF SOCIAL SERVICES.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Jefferson County [Hugh A. Gilbert, J.], entered November 19, 2009) to review a determination of respondents. The determination sanctioned petitioner for failure to comply with the requirements of a work experience program.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the petition is dismissed.

Memorandum: The determination sanctioning petitioner for failure to comply with the requirements of a work experience program without good cause is supported by substantial evidence (see *Matter of LaSalle v Wing*, 256 AD2d 1243; *Matter of Bishop v New York State Dept. of Social Servs.*, 246 AD2d 391, lv denied 91 NY2d 813; see also *Matter of Kelly v Wing*, 237 AD2d 976). The medical reports presented at the fair hearing and submitted thereafter do not support the contention of petitioner that she was incapable of participating in the work experience program or that she suffered from limitations that would justify her noncompliance (see Social Services Law § 131 [7] [b]). We

have considered petitioner's remaining contentions and conclude that they are without merit.

Entered: May 7, 2010

Patricia L. Morgan
Clerk of the Court