



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

AHMED M. ELGALAD,

Complainant.

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10185131

Federal Charge No. 16GB700756

On 11/18/2016, Ahmed M. Elgalad filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of creed, race/color, and opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and

Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

03/09/17
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:

William LaMot
William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

EDWARD J. COYNE, JR.,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10187241

Federal Charge No. 16GB702176

On 2/24/2017, Edward J. Coyne, Jr. filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named Respondent with an unlawful discriminatory practice relating to employment because of age, race/color, and opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

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Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: 08/22/17
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By: William LaMot
William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

AIDA SEHIC COYNE,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10187489

Federal Charge No. 16GB702373

On 4/4/2017, Aida Sehic Coyne filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of disability, national origin, race/color, sex, opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

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Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

9/26/17
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:

Joyce Yearwood-Drury
Director O.S.H.I.



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

PATRICK CHIDUME,

Complainant,

v.

GREENBURGH-NORTH CASTLE UNION FREE
SCHOOL DISTRICT, CAROLYN MCGUFFOG,
Respondents.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10189111

Federal Charge No. 16GB703609

On 7/27/2017, Patrick Chidume filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of national origin, race/color, opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

The complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

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PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human

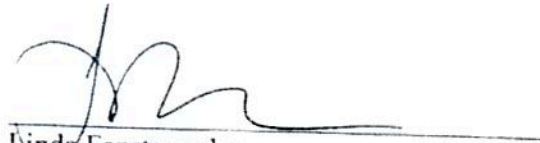
Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: October 27, 2017
White Plains, New York

STATE DIVISION OF HUMAN RIGHTS

By:


Linda Fenstermaker
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

MARSILIO LANGELLA,

Complainant,

v.

MAHOPAC CENTRAL SCHOOL DISTRICT, DENNIS
CREEDON, RON CLAMSER, JOHN AUGUSTA,
MIKE SCALFANI, BRIAN MAHONEY,

Respondents.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10192683

Federal Charge No. 16GB801747

On 2/5/2018, Marsilio Langella filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of age, disability in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

The complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and

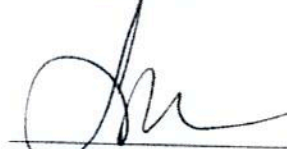
Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: June 12, 2018
White Plains, New York

STATE DIVISION OF HUMAN RIGHTS

By:



Linda Fenstermaker
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

EVAN ROSENTHAL,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10193921

Federal Charge No. 16GB802650

On 2/1/2018, Evan Rosenthal filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of age, and disability in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following an opportunity for review of related information and evidence by the named parties, the Division has determined that there is NO PROBABLE CAUSE to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

There is a lack of evidence in support of complainant's allegations of discrimination based on age and disability.

Complainant works for respondent as an art teacher at the Mercy First Agency in Syosset. Complainant alleges that respondent brought disciplinary charges against him because of his age (54 years) and disabilities. Complainant also alleges that respondent denied his request to have a para-professional re-assigned as a disability accommodation.

As an initial matter, complainant failed to establish a prima facie complaint of discrimination in that he has not shown that he was subjected to any adverse employment action during the one year period that preceded his filing of the instant complaint. Complainant remains employed by respondent, and he has not been subject to any loss of pay or benefits.

Although charges were brought against complainant, he ultimately was only issued written letters/memorandums, which do not rise to the level of adverse employment actions.

With regard to the issue of disability accommodation, the record shows that complainant sent respondent an informal request for an accommodation via email on 01/29/2018. The record suggests that respondent engaged in an interactive process with complainant; however, on 02/02/2018, complainant withdrew his request. He did not make any formal disability accommodation request and did not provide respondent with any medical documentation in support of his 01/29/2018 accommodation request.

For all these reasons, the record does not support as finding of probable cause in this case.

The complaint is therefore ordered dismissed and the file is closed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under the Americans with Disabilities Act (ADA). Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

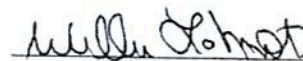
Dated:

08/03/18

Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:



William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

VICKI B. HERSCHMAN,

Complainant.

v.

ROTO-ROOTER GROUP, INC, CRAIG
SCHWINGHAMMER, DAVID AMTHIER,

Respondents.

ORDER OF WITHDRAWAL.

Case No.
10194957

Federal Charge No. 16GB803487

On 6/5/2018, Vicki B. Herschman filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of age, creed, disability, race/color, sex, opposed discrimination/retaliation in violation of N.Y. Exec. Law, art. 15 ("Human Rights Law").

Thereafter, the complainant notified the Division of the withdrawal of this complaint in a written communication dated 6/21/18.

Pursuant to the Human Rights law and the Rules of Practice of the Division, the complaint is ordered withdrawn and the file is closed.

Dated: June 28, 2018
White Plains, New York

STATE DIVISION OF HUMAN RIGHTS

By:

Linda Fenstermaker
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

LAWRENCE SPITZER,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION, STEVEN SCHWARTZ,

Respondents.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10195458

Federal Charge No. 16GB803870

On 5/24/2018, Lawrence Spitzer filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of age in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human

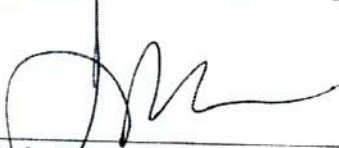
Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: December 6, 2018
White Plains, New York

STATE DIVISION OF HUMAN RIGHTS

By:



Linda Fenstermaker
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

STEPHEN DAVID LESTER, JR.,

Complainant,

v.

MOUNT PLEASANT COTTAGE SCHOOL UFSD,
DAVID BERNSELY,

Respondents.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10195628

Federal Charge No. 16GB804022

On 7/9/2018, Stephen David Lester, Jr. filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of disability in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division has determined that there is NO PROBABLE CAUSE to believe that the respondents have engaged in or are engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The evidence adduced from the investigation is insufficient to support Complainant's claim that Respondents engaged in unlawful discriminatory practices against Complainant because he has Advanced Avascular Necrosis (Ankle Fusion). Specifically, the record includes insufficient evidence of a nexus between Respondents' alleged conduct and Complainant's disability.

To support Complainant's claim, Complainant points to Respondents' decision to terminate him due to his absence from work for medically related reasons. Complainant asserts that these absences were due to his medical condition and states that his time off is supported by the Workers Compensation benefits he received. Complainant states that Respondents accommodated him throughout the years but terminated him in 2018 because they no longer wanted to accommodate him.

On the other hand, Respondents deny Complainant's allegation and assert that their legitimate nondiscriminatory reason for terminating Complainant's employment is because despite being reasonably accommodated, Complainant was unable to perform the essential functions of his job. Respondent noted that Complainant was absent from work for 136.50 days.

A review of the record shows that the evidence does not support Complainant's claim that Respondents had targeted Complainant for termination because of a disability. Specifically, the record includes insufficient evidence of a nexus between Respondents' decision to end Complainant's employment and Complainant's disability. Initially, the record includes no remarks, references, or other conduct from which a reasonable inference may be drawn demonstrating that Respondents harbored unlawful discriminatory animus toward Complainant because Complainant has a disability. The record shows and Complainant does not deny that Respondents accommodated his requests for time off in the periods from 2003 to 2016. While Complainant asserts that Respondents failed to accommodate him for time off related to his medical condition thereafter, the record includes verification that Respondents' granted Complainant time off for days where Complainant produced medical verification. The evidence includes copies of medical notes for 64 days in the period between 2016 - 2018 Complainant does not deny that he received those days off. However, Complainant has produced no medical verification for the remainder of the 136.50 days which Complainant asserts were days for which he required time off for medical reasons.

Further, while Complainant asserts that Respondents received Workers Compensation payments for his time off for which there were no medical notes, the record does not show that Complainant notified Respondent he required those days off for medical reasons. Nor did he notify Respondent in advance of his need for those days off or produced medical verification to support his entitlement to accommodations of those days off. Absent medical verification produced to Respondents that Complainant required those days off for medical reasons Complainant cannot sustain his claim.

The complaint is therefore ordered dismissed and the file is closed.

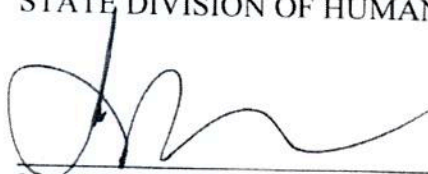
PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under the Americans with Disabilities Act (ADA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: January 9, 2019
White Plains, New York

STATE DIVISION OF HUMAN RIGHTS

By:



Linda Fenstermaker
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

KARYN BLUMSTEIN-TORRELLA,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10196727

Federal Charge No. 16GB804854

On 5/23/2018, Karyn Blumstein-Torrella filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of age, creed, and disability in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s): The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

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Rights. One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

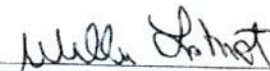
Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Americans with Disabilities Act (ADA). Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

11/16/18
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:


William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

KERRI MCCONNAN,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10197609

Federal Charge No. 16GB900383

On 8/31/2018, Kerri McConnan filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of disability in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s):

The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

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Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Americans with Disabilities Act (ADA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

6/10/19
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:

Joyce Yearwood-Drury
Director O.S.H.I.



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

STEVEN SHOVERS,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10198212

Federal Charge No. 16GB900855

On 8/8/2018, Steven Shovers filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named Respondent with an unlawful discriminatory practice relating to employment because of age in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division has determined that there is NO PROBABLE CAUSE to believe that the Respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The evidence gathered during the course of the investigation of the instant complaint is not sufficient to support the Complainant's allegations of unlawful discrimination in relation to employment on the basis of age.

The Complainant (age 69) was hired by the Respondent on September 5, 1988 and is currently employed by the Respondent as a teacher. He alleges that he is being harassed and discriminated against by Principal Michelle Robinson and Assistant Principal Collette Marshall of District 79.

Specifically, the Complainant alleges that on September 29, 2017, he received a "U" observation after the Principal and Assistant Principal unexpectedly observed his 3rd period English class. On October 10, 2017, the Complainant again received a "U" observation after the

Principal and Assistant Principal observed his 1st period English class. On October 20, 2017, the Assistant Principal's secretary barged into the Complainant's room and demanded that the Complainant sign the September and October observation reports before the Complainant had the opportunity to read them. On October 27, 2017, the Complainant asked Assistant Principal Marshall to demonstrate a lesson for him three times because he did not want to receive a "U" rating for the year. She refused, saying, "I'll see what I can do." On the same date, both the Principal and Assistant Principal sat in on a post-observation conference where the Danielson rubric was brought up. The Complainant alleges that Danielson is illegal in District 79 and should not be used in any way for any rating purpose.

The Complainant alleges that the Principal and Assistant Principal refused to give him a lesson plan on November 3, 2017. He alleges that, without any advance notice, he was told by the Assistant Principal on November 9, 2017, that beginning November 13, 2017 he would be teaching social studies, not English 2nd period.

The Complainant alleges that on November 30, 2017, the Assistant Principal failed to show up for a pre-observation conference that she scheduled the day prior. On December 15, 2017, the Complainant had a pre-observation conference with the Assistant Principal where she advised him that he must teach to the District objectives and only teach to new Rubicon put out by District 79. He can no longer use his own learning objectives to teach students.

The Complainant alleges that his class was interrupted on December 19, 2017 by Ms. Noel to sign the observation report from January 2016 because the Assistant Principal lost it. On January 5, 2018, the Complainant downloaded his December 18, 2017 observation. It was rated "Unsatisfactory" as the Complainant expected.

The Complainant states that on January 12, 2018, a colleague admitted to him that she takes student cell phones without any consequences. In March 2017, the Complainant was forced to attend a conference where the Complainant was alleged to have committed an act of misconduct, where he removed a student's cell phone from the wall socket. The Complainant alleges that this is "disparaging" treatment.

On January 18, 2018, the Complainant alleges that one of his students threatened his life. He alleges that the Assistant Principal was dismissive. On January 19, 2018, the same student became disruptive in his class and a counselor witnessed the student threaten the Complainant's life again. As of June 26, 2018, the student is still enrolled in the Respondent's program.

The Complainant alleges that the Assistant Principal was hostile towards him at a pre-observation conference. He alleges that Danielson was used on a questionnaire he was required to fill out. The Complainant alleges that this is illegal and used as a tool to harass and bully him due to his age. At a conference on March 28, 2018, the Complainant alleges that he was falsely accused of alleged misconduct and alleged theft of service conferences.

On May 2, 2018, without announcement, the Assistant Principal and Mr. Jonathan Santiago barged into the Complainant's 3rd period English class and observed the Complainant teaching a lesson. Later that same day, the Complainant had a post-observation meeting. They

discussed a social studies lesson that they were to observe. Instead, they observed the Complainant in an English class. The Complainant alleges that the Respondent used a bait and switch tactic to give him a poor rating.

On May 24, 2018, the Complainant signed a letter stating that he received the Assistant Principal's latest finding of misconduct from the conferences held on March 28, 2018. Upon reviewing the document, he noticed that the Assistant Principal had re-inserted allegations of misconduct from the conference of March 2017. In March 2017, Assistant Principal Marshall, with the assistance of a social worker and a guidance counselor manufactured an "alleged" misconduct charge against him. The Complainant discovered that a student had violated his class rules about cellphone use in the classroom. He had put his cellphone into a wall socket to re-charge without asking permission. The Complainant removed the phone and gave it back to the student saying that he did not mind if he re-charged his phone as long as he asked first. The student put the phone back into the wall socket. The Complainant took the student's phone a second time, reiterating that he could charge it if he asked first. The student put the phone into the socket again. The third time the Complainant tried to remove the phone, the student blocked the Complainant and put his shoulder into the Complainant's stomach. The Assistant Principal and other staff members concocted an allegation that claimed that the Complainant tried to protect himself using rights he had as a teacher. The Complainant alleges that five or six students were brought in by administration to lie. The Complainant was not allowed to see any of the documents in the case, nor was he allowed to see what the charge was about. He alleges that his submitted incident report was not addressed, especially the issue that the Complainant was physically bumped. According to the Complainant's union contract, the Respondent has three months to serve him with a letter. Instead, the Respondent waited over a year. Both documents threatened disciplinary action and termination.

On May 30, 2018, the Complainant sent in an incident report and informed Assistant Principal Marshall that a student had threatened the Complainant's life. Nothing was done about it and yet the student remained in the Complainant's class the entire year. On June 1, 2018, the Complainant sent the Assistant Principal his 7th request for lesson modeling. On the same date, the Complainant sent Principal Robinson's secretary, Ms. Boucher-Turner, a second email asking that all of his lesson plans/educational materials be sent to the Complainant at South Shore. He has been promised his educational belongings for more than 2 years.

On June 5, 2018, the Principal returned with a May 18, 2018 letter regarding alleged misconduct and told the Complainant to sign it. The Complainant told the Principal that under the UFT contract, she is not allowed to bring past "letters" of alleged misconduct from the 2016-2017 school year into a current year's alleged misconduct "letter." The Principal stated her research allows her to go back 3 years. The Complainant alleges that the incidents "advice" show that his supervisors have gone "advice" and beyond to harass, bully, and intimidate him. He believes that it is due to his age and their practices are discriminatory.

As an initial matter, all allegations of discrimination that occurred prior to August 8, 2017 are time barred.

The Division's investigation revealed that the Complainant failed to establish a *prima facie* case of unlawful discrimination. Specifically, the investigation did not reveal evidence that the Complainant suffered an adverse employment action. The Complainant remains employed by the Respondent, and there is no evidence of any disciplinary action being taken against the Complainant. The issuance of a "U" rating does not rise to the level of an adverse employment action.

Even if the Complainant's allegations of fact are given credence, the Division finds that the treatment alleged by the Complainant does not rise to the level of a hostile work environment within the meaning of the Human Rights Law. None of the complained of behavior rises to the level of "severe" and/or "pervasive" so as to create a hostile work environment. While the Complainant alleges that the Respondent's Principal and Assistant Principal "barged" into his classroom, unannounced, on multiple occasions and observed his teaching, the Division finds that this is an allegation of the Complainant's supervisors performing their supervisory duties. Supervising the Complainant's performance is not discriminatory. Other allegations of the Complainant pertain to alleged violations of the collective bargaining agreement between the Respondent and the Complainant's union, and not within the purview of the Division. Moreover, the Complainant did not allege any facts surrounding any treatment he received by the Respondent, which would create an inference of discrimination based on age. The Complainant did not present any factual allegation or evidence to suggest that his age was the basis for any treatment he received from the Respondent. Furthermore, according to the Complainant in his rebuttal, he has received two Satisfactory observations during the 2018-2019 school year.

Although the Complainant alleges that Assistant Principal Marshall is harassing him, bullying him and discriminating against him, the Complainant's email to Assistant Principal Marshall dated April 25, 2018, states: "while it's certainly helpful to hear your excellent suggestions during my post observation conferences, I am hoping that, as a coaching tool, you would prepare a model lesson plan for me...so I can observed you and be able to fully appreciate all of your vast knowledge and experience by observing you in a real-world classroom setting. I would be incredibly humbled to see you teach in my class. And, it is my understanding, that Mr. Haggerty, my Academic Coach, who has done some fine work with me does not possess certification that would qualify him to 'model a social studies lesson'." This email from the Complainant does not suggest that the Assistant Principal is harassing or "bullying" the Complainant. Instead, it is complimentary of the Assistant Principal's "vast knowledge and experience" and it further indicates that the Assistant Principal offered the Complainant "excellent suggestions" during his post observation conference. The email also demonstrates that the Complainant was receiving assistance from an Academic Coach.

Furthermore, the Respondent denies the Complainant's allegations of discrimination and provided non-discriminatory reasons for its actions. The Respondent asserts that the Complainant was properly evaluated and was provided with extensive assistance to improve his pedagogy. Instead, the Complainant failed to follow protocol and curriculum, resulting in a "U" rating for the 2017-2018 school year. Informal, unannounced observations of P2G teachers are expected and common. The Complainant cannot state a claim of discrimination simply because he was unprepared to teach a lesson within his assigned curriculum. The Respondent asserts that the Complainant demanded that AP Marshall provide lesson modeling herself. Providing

individualized support for teachers is the duty of P2G's literacy/academic coaches, not of the assistant principal.

Additionally, the Complainant remains employed by the Respondent, receiving a salary of \$119,472 per year with benefits. According to the Respondent, the Complainant filed reports in January 2018 and May 2018 to the secretary, not the Assistant Principal, that he did not "like to be threatened" and "A Second Threat On My Life." The Complainant did not give any indication of how he was threatened, nor did he respond to follow up requests from school staff. Contrary to the Complainant's allegations, AP Marshall nevertheless conducted investigations into both incidents and found the allegations to be unsubstantiated.

The Division's investigation did not reveal evidence that the Respondent's reasons for its actions are unworthy of credence and a mere pretext for unlawful discrimination. The Complainant did not provide evidence to dispute the Respondent's assertions. The emails that the Complainant provided to the Division did not suggest that the Respondent had a discriminatory animus toward the Complainant because of his age. Moreover, the Division's investigation did not reveal any evidence of a causal nexus between the Respondent's actions and the Complainant's age. The Complainant's mere belief and conclusory allegations that he was discriminated against because of his age are not sufficient to establish a nexus to the Respondent's actions. In light of the foregoing, a determination of no probable cause is warranted.

The complaint is therefore ordered dismissed and the file is closed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

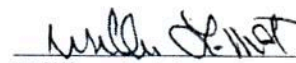
Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

02/11/19
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:



William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

ELISA VELASCO,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10200183

Federal Charge No. 16GB902374

On 2/12/2019, Elisa Velasco filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of age, national origin, race/color, and opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s): The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and

Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

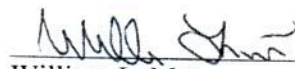
Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

06/27/19
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:



William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

SARAH KAIN,

Complainant,

v.

NEW YORK FRENCHAMERICAN CHARTER
SCHOOL (NYFACS), UNITED FEDERATION OF
TEACHERS,

Respondents.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10201464

Federal Charge No. 16GB903366

On 3/28/2019, Sarah Kain filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named Respondents with an unlawful discriminatory practice relating to employment because of age, disability, marital status, sex, and opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s): The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and

Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Americans with Disabilities Act (ADA). Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

08/13/19
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:



William LaMot
Regional Director



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

DWAIN KERRON MITCHELL,

Complainant,

v.

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION,

Respondent.

DETERMINATION AND
ORDER OF DISMISSAL FOR
ADMINISTRATIVE
CONVENIENCE

Case No.
10201497

Federal Charge No. 16GB903394

On 4/3/2019, Dwain Kerron Mitchell filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named Respondent with an unlawful discriminatory practice relating to employment because of age, race/color, sex, and opposed discrimination/retaliation in violation of N.Y. Exec Law, art. 15 ("Human Rights Law").

Pursuant to Section 297.3 of the Human Rights Law, the Division finds that noticing the complaint for hearing would be undesirable and the complaint, therefore, is ordered dismissed on the grounds of administrative convenience for the following reason(s): The Complainant intends to pursue federal remedies in court, in which forum all the issues concerning the question of discrimination charged can be resolved.

Section 297.9 of the Human Rights Law provides that:

... where the Division has dismissed such complaint on the grounds of the administrative convenience, ... such person shall maintain all rights to bring suit as if no complaint had been filed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human

Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

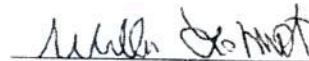
Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Age Discrimination in Employment Act (ADEA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated:

08/01/19
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:



William LaMot
Regional Director