

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Altidor v. Medical Knowledge Group LLC

2026 NY Slip Op 00870 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Index No. 655007/23; Appeal No. 5772; Case No. 2025-01947 · Decided February 17, 2026

SUMMARY

The Appellate Division, First Department reversed an order dismissing Kenrick Altidor's claims of discriminatory termination and non-promotion under the New York State Human Rights Law and New York City Human Rights Law. The court held that allegations concerning disparate treatment compared with similarly situated white coworkers and an unadvertised promotion were sufficient to state claims at the pleading stage.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; González, J.; Shulman, J.; Pitt-Burke, J.; Chan, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	February 17, 2026
DOCKET	Index No. 655007/23; Appeal No. 5772; Case No. 2025-01947
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendant's motion to dismiss claims of discriminatory termination and discriminatory non-promotion under the New York State Human Rights Law and New York City Human Rights Law.
STANDARD OF REVIEW	De novo review of the sufficiency of the pleadings on a motion to dismiss.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Kenrick Altidor v. Medical Knowledge Group LLC

TOPICS

employment discrimination

racial discrimination

appellate procedure

civil rights

PRACTICE AREAS

employment law

civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's allegations were sufficient at the pleading stage to state a claim for discriminatory termination under the New York State Human Rights Law and New York City Human Rights Law.
2. Whether plaintiff's allegations were sufficient at the pleading stage to state a claim for discriminatory non-promotion under the New York State Human Rights Law and New York City Human Rights Law.

HOLDINGS

1. Plaintiff's allegation that he, an African American employee, was terminated after making one mistake while similarly situated white coworkers who made similar mistakes were not disciplined or terminated was sufficient at the pleading stage to state claims for discriminatory termination under the State and City Human Rights Laws.
2. Plaintiff sufficiently pleaded discriminatory non-promotion by alleging that a coworker was promoted to a position plaintiff was already performing and that the position was not posted before being filled; a plaintiff need not allege that he applied for the promotion when the circumstances show that promotions were made unannounced and unsolicited or that the employer failed to advertise the position.

FACTUAL BACKGROUND

Kenrick Altidor, an African American employee of Medical Knowledge Group LLC, alleged that he was terminated after making one mistake while two white coworkers who made similar mistakes were neither reprimanded nor terminated. He alleged that one coworker held the same IT Help Desk Technician position, performed substantially similar work under similar conditions, and had made mistakes that Altidor previously helped correct. Altidor also alleged that the coworker was promoted to a position Altidor was already performing and that the promotion opportunity was not posted.

PROCEDURAL HISTORY

Supreme Court, New York County, granted defendant's motion to dismiss plaintiff's discriminatory termination and non-promotion claims to the extent appealed from. The Appellate Division unanimously reversed on the law, denied the motion as to those claims, and reinstated them.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The discriminatory termination and discriminatory non-promotion claims under the State and City Human Rights Laws were reinstated; the motion to dismiss was denied as to those claims.

CASES CITED

- Serrano v. City of New York, 226 AD3d 575 (1st Dep't 2024)
- Vig v. New York Hairspray Co., LP, 67 AD3d 140 (1st Dep't 2009)
- Pelepelin v. City of New York, 189 AD3d 450, 452 (1st Dep't 2020)
- Uwoghiren v. City of New York, 148 AD3d 457, 458 (1st Dep't 2017)

OPINION

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PER CURIAM.

Altidor v Medical Knowledge Group LLC (2026 NY Slip Op 00870) Altidor v Medical Knowledge Group LLC 2026 NY Slip Op 00870 Decided on February 17, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: February 17, 2026 Before: Manzanet-Daniels, J.P., González, Shulman, Pitt-Burke, Chan, JJ. Index No. 655007/23|Appeal No. 5772|Case No. 2025-01947| [*1]Kenrick Altidor, Plaintiff-Appellant, v Medical Knowledge Group LLC, Defendant-Respondent. Margaret McIntyre, Attorney at Law, Syracuse (Margaret McIntyre of counsel), for appellant. Epstein Becker & Green, P.C., New York (Diana Costantino Gomprecht of counsel), for respondent. Order, Supreme Court, New York County (Dakota D. Ramseur, J.), entered on or about February 24, 2025, which, to the extent appealed from, granted defendant's motion to dismiss plaintiff's claims of discriminatory non-promotion and termination under the New York State Human Rights Law (State HRL) and the New York City Human Rights Law (City HRL), unanimously reversed, on the law, without costs, defendant's motion denied as to plaintiff's claims of discriminatory termination and discriminatory non-promotion under the State HRL and City HRL, and those claims reinstated. Plaintiff's allegation that he, an African American, was terminated from his job by defendant, his employer, after making one mistake while two of his white coworkers who made similar mistakes were neither reprimanded nor terminated was sufficient to state a claim for discriminatory termination under the broad protections of the State and City HRLs (see e.g. Serrano v City of New York , 226 AD3d 575 [1st Dept 2024]; Vig v New York Hairspray Co., LP , 67 AD3d 140 [1st Dept 2009]). Plaintiff specifically alleged that one of the white coworkers was an IT Help Desk Technician, the same position he held, and that the coworker performed substantially similar work under similar working conditions. He further alleged that he helped fix some of the mistakes that this coworker had made in the past. These allegations were sufficient at the pleading stage (see Pelepelin v City of New York , 189 AD3d 450 , 452 [1st Dept 2020]). In support of his cause of action for failure to promote, plaintiff alleges that his coworker was promoted to a job that he was already performing, and that the position was

not posted prior to it being filled. These allegations are sufficient to meet plaintiff's pleading burden as this Court has previously held that it is unnecessary for a plaintiff to allege that he applied for a promotion where he has alleged that promotions were typically made unannounced and unsolicited (*id.*) or where defendant failed to advertise the position (*Uwoghien v City of New York* , 148 AD3d 457, 458 [1st Dept 2017]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.
ENTERED: February 17, 2026

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