

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

Applegate v. Heath

88 A.D.3d 699 (N.Y. App. Div. 2d Dep't 2011) · Decided October 4, 2011

SUMMARY

The court held that substantial evidence supported the determination that the petitioner violated prison disciplinary rules and found no basis to disturb the hearing officer’s credibility determinations. It also upheld the partial denial of the petitioner’s grievance concerning legal mail, but remitted the matter to the Supreme Court for further proceedings because the petition sought declaratory relief that could not be transferred under CPLR 7804(g).

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Skelos, J.E.; Dickerson, J.; Leventhal, J.; Lott, J.
JURISDICTION	New York
DECIDED	October 4, 2011
DISPOSITION	remanded
PROCEDURAL POSTURE	The petitioner/plaintiff sought review of a prison disciplinary determination and the partial denial of an inmate grievance concerning the handling of legal mail. The petition/complaint also sought declaratory relief.
STANDARD OF REVIEW	Whether the agency determination was supported by substantial evidence, whether the hearing officer's credibility determinations had a basis to be disturbed, and whether the grievance determination was arbitrary and capricious.
PRECEDENTIAL VALUE	published New York Appellate Division decision
PARTIES	Applegate v. Heath

TOPICS

- judicial review of agency action
- administrative law
- appellate procedure
- declaratory judgment
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported the hearing officer's determination that the petitioner violated prison disciplinary rules.
2. Whether the hearing officer's credibility determinations should be disturbed.
3. Whether the partial denial of the petitioner's inmate grievance concerning the treatment of his legal mail was arbitrary and capricious.
4. Whether the Appellate Division could resolve the cause of action seeking a declaratory judgment after the petition/complaint was transferred under CPLR 7804(g).

HOLDINGS

1. The hearing officer's determination that the petitioner was guilty of violating prison disciplinary rules was supported by substantial evidence.
2. The partial denial of the petitioner's inmate grievance was not arbitrary and capricious.
3. Because the petition/complaint sought a declaratory judgment, the matter had to be remitted to Supreme Court, Westchester County, for further proceedings on that cause of action and entry of an appropriate judgment thereafter.

KEY QUOTATIONS

"Since the petition/complaint also requested a declaratory judgment, relief for which a transfer to this Court is not authorized pursuant to CPLR 7804 (g), the matter must be remitted to the Supreme Court, Westchester County, for further proceedings on the cause of action seeking such relief, and the entry of an appropriate judgment thereafter, inter alia, dismissing the proceeding." (700)

FACTUAL BACKGROUND

The petitioner was found guilty of violating prison disciplinary rules. He also filed an inmate grievance asserting, among other things, that his legal mail had been improperly treated as general correspondence. The court noted that the mailing did not bear the identity and official business return address of the petitioner's attorney.

PROCEDURAL HISTORY

The Appellate Division reviewed the prison disciplinary determination and grievance ruling. It upheld the determination that the petitioner violated prison disciplinary rules and found no basis to disturb the hearing officer's credibility determinations. Because the pleading also sought a declaratory judgment, the court remitted that cause of action to the Supreme Court, Westchester County, for further proceedings and entry of an appropriate judgment, including dismissal of the proceeding.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remit the matter to the Supreme Court, Westchester County, for further proceedings on the cause of action seeking declaratory relief and entry of an appropriate judgment thereafter, including dismissal of the proceeding.

CASES CITED

- Matter of Benson v. Brown, 84 A.D.3d 794 (2011)
- Matter of Watson v. Fischer, 82 A.D.3d 780 (2011)
- Matter of Mabry v. Maddox, 57 A.D.3d 1000 (2008)
- Matter of Reyes v. Leclaire, 49 A.D.3d 884 (2008)
- Matter of Davis v. Fischer, 76 A.D.3d 1152 (2010)
- Matter of Keesh v. Smith, 59 A.D.3d 798 (2009)
- Matter of Coleman v. Town of Eastchester, 70 A.D.3d 940, 941 (2010)
- Matter of Huntington Hills Assoc., LLC v. Town of Huntington, 49 A.D.3d 647, 648 (2008)
- Matter of Herman v. Incorporated Vil. of Tivoli, 45 A.D.3d 767, 769 (2007)