

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of the Application of  
Harold Mondshein

Petitioner,

-against-

Index No.8919/83

Board of Collective Bargaining  
Respondents.

-----x  
Upon the foregoing papers this application under CPLR Article 78 for a judgment against respondents annulling a determination denying petitioner terminal leave payment or other forms of related or alternative relief is denied, and respondents' cross motion to dismiss the proceeding as untimely commenced under the applicable statutes (CPLR 217; Civ. Serv. L.Secs. 212; 213(a); NYC Collective Bargaining Law Sec. 1173-4.1)is granted.

With regard to the merits, insofar as petitioner complains of the bypassing of a Step II grievance bearing and the immediate progress to a Step III hearing, that condensed procedure was clearly within the administrative discretion of respondent-employer and cannot be regarded as arbitrary and capricious, particularly in the absence of any demonstration of prejudice.

Let respondents settle a judgment dismissing the proceeding accordingly.  
It is so ordered.

