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Administrative Appeal Decision - Williams, Herley (2019-05-10)

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ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Williams, Herley

Facility: Collins CF

NYSID: [REDACTED]

Appeal Control No.: 09-145-18 R

DIN: 14-B-2767

Appearances: Herley Williams, 14-B-2767
Collins C.F.
Middle Road
P.O. Box 490
Collins, New York 14034-0490

Decision appealed: September 7, 2018 Revocation of Parole with a hold to the Maximum Expiration Date.

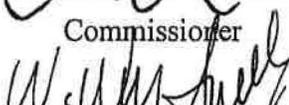
Final Revocation Hearing Date: September 6, 2018

Papers considered: Appellant’s Brief received January 17, 2019
Appellant’s Letter received February 20, 2019

Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

Records relied upon: Notice of Violation, Violation of Release Report, Final Hearing Transcript, Parole Revocation Decision Notice

Final Determination: The undersigned determine that the decision appealed is hereby:

	<input type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	
	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	
	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	

If the Final Determination is at variance with Findings and Recommendation of Appeals Unit, written reasons for the Parole Board’s determination must be annexed hereto.

This Final Determination, the related Statement of the Appeals Unit’s Findings and the separate findings of the Parole Board, if any, were mailed to the Inmate and the Inmate’s Counsel, if any, on 5/10/19 GG.

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Williams, Herley

DIN: 14-B-2767

Facility: Collins CF

AC No.: 09-145-18 R

Findings: (Page 2 of 2)

While Appellant testified that he did not use cocaine, it was within the ALJ's province to resolve credibility issues. Matter of Gainey v. Stanford, 157 A.D.3d 1176, 70 N.Y.S.3d 589 (3d Dept. 2018); Matter of Wilson v Evans, 104 A.D.3d 1190, 960 N.Y.S.2d 807 (4th Dept. 2013). Appellant also acknowledged his signature on the form. [REDACTED]

Recommendation: Affirm.