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December 2020

### Administrative Appeal Decision - Welch, Lannis (2019-03-08)

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ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Welch, Lannis

Facility: Released

NYSID

Appeal Control No.: 06-054-18 R

DIN: 16-B-3379

Appearances: Charles Greenberg Esq.  
3840 East Robinson Road  
#318  
Amherst, New York 14228

Decision appealed: May 30, 2018 revocation of release and imposition of a time assessment of 8-months.

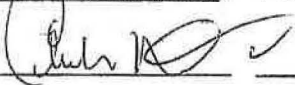
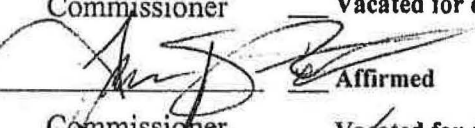
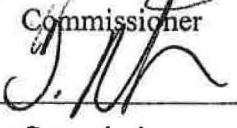
Final Revocation Hearing Date: May 30, 2018

Papers considered: Appellant's Brief received December 11, 2018

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 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 3/8/19 60.

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Welch, Lannis                                      **DIN:** 16-B-3379  
**Facility:** Released    **AC No.:** 06-054-18 R

**Findings:** (Page 1 of 1)

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Appellant challenges the May 30, 2018 determination of the administrative law judge (“ALJ”), revoking release and imposing a 8-month time assessment. Appellant raises only one issue. Appellant claims the time assessment imposed is excessive.

Since perfecting his administrative appeal, the appellant has been released. Claims that the time assessment imposed is excessive are rendered moot when the inmate is subsequently released onto parole during the course of the administrative appeal process. Matter of Gainey v. Stanford, 157 A.D.3d 1176, 70 N.Y.S.3d 589 (3d Dept. 2018); Matter of Adams v. New York State Div. of Parole, 89 A.D.3d 1267, 932 N.Y.S.2d 388 (3d Dept. 2011); Matter of Horton v. Travis, 18 A.D.3d 922, 793 N.Y.S.2d 778 (3d Dept. 2005); Matter of Gray v. Travis, 239 A.D.2d 631, 657 N.Y.S.2d 118, 119 (3d Dept. 1997); Matter of Darnell v. David, 300 A.D.2d 766, 750 N.Y.S.2d 802 (3d Dept. 2002).

**Recommendation:** Affirm.