

# Anchin Alert

**Anchin, Block & Anchin LLP**  
**Accountants and Advisors**

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## **Petition to Vacate Arbitration Award Dismissed**

Members of Anchin, Block & Anchin's Litigation, Forensic and Valuation Services Group often serve as arbitrators. Alternative dispute resolution is an increasingly popular alternative to traditional litigation. Although the courts may be asked to review the validity an arbitrator's award, unless there are unusual and extenuating circumstance, they will rarely overturn such awards.

In a recent matter<sup>1</sup> reported by the *New York Law Journal*, in an arbitration held to determine if the respondent was wrongfully dismissed from his position as a seasonal lifeguard, the arbitrator found the claimant guilty of misconduct for allowing an after-hours party with alcohol and controlled substances with minors present at the pool without the requisite number of lifeguards, but reinstated him to his job.

The claimants petitioned the court to vacate the portion of the award which reinstated the respondent lifeguard to his job. The respondents cross-moved to dismiss the petition. The petitioners argued that the award was irrational and violated public policy, alleging it allowed the respondent to continue violating rules and endangering the welfare of children. The respondents argued that the petitioner failed to establish grounds for vacatur, stating that the award was both rational and within the arbitrator's authority. The court agreed that the petitioner did not establish that the arbitrator's award was irrational or violated public policy, noting the award demonstrated that the arbitrator fully considered the facts before rendering his decision and that the arbitrator did not exceed the scope of his authority. The court denied the petition and dismissed the proceeding finding that while the petitioners argued that the arbitrator's award was not supported by the evidence, they did not provide any pertinent support for that position.

For more information, please contact Anthony Bracco, David Beckman, Margaret Kolb, Dennis Neier, or Raymond Dragon of Anchin's Litigation, Forensic and Valuation Services Group at 212.840.3456.

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<sup>1</sup> *City of N.Y. v. District Council 37, 450075/2016 (May 19)*



**Anchin, Block & Anchin LLP**  
**Accountants and Advisors**  
**1375 Broadway, New York, NY 10018**  
**212.840.3456 • [www.anchin.com](http://www.anchin.com)**

