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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 90 SSM 3  
In the Matter of Suffolk County  
Community College, et al.,  
Respondents,  
v.  
New York State Division of Human  
Rights,  
Appellant.  
Bruce Simmons,  
Respondent.

Submitted by Michael K. Swirsky, for appellant.  
Submitted by Jennifer K. McNamara, for respondents  
Suffolk County Community College and Suffolk County Department of  
Civil Service.

\* \* \* \* \*  
On review of submissions pursuant to section 500.11 of the Rules,  
order, insofar as appealed from, reversed, with costs, and matter  
remitted to the Appellate Division, Second Department, for  
consideration of issues raised but not determined on the  
proceedings before that court. Substantial evidence in the  
record supports the determination of the State Division of Human  
Rights that complainant was subjected to unlawful discriminatory  
employment practices. Chief Judge Lippman and Judges Ciparick,  
Graffeo, Read, Smith, Pigott and Jones concur.

Decided February 23, 2010