

Willowbrook worker cleared in patient's death, gets his job back

By ROBERT MIRALDI

A second Willowbrook Developmental Center employe who was suspended after the Christmastime death of a resident has been reinstated and cleared of misconduct charges.

James Young, 30, a ward attendant who was on duty the night Luis Ramirez wandered from his building and eventually froze to death five days later, did not act improperly the night of Ramirez' disappearance, an arbitrator has ruled.

In a separate case last week, an arbitrator ruled that Mrs. Rosalie Branch, a building supervisor, had also acted properly after Ramirez left his building and she too was reinstated.

Charges against the two other employes suspended by Deputy Director Stanley Slawinski after the Ramirez death are still pending.

There was "no evidence of misconduct" on the part of Young, the arbitrator said in his report based on a Feb. 20 hearing. The arbitrator said "there are frequent occasions when patients deliberately elope or wander away" and no disciplinary action is taken.

West Brighton Attorney Louis Mauriello who defended Young as well as Mrs. Branch reiterated his charges yesterday that Dr. Slawinski had suspended the four low-level employes "because the state had to take some action" after the death.

Mauriello said that, in fact, an attorney for the state Department of Mental Hygiene, Mrs. Margaret Rooney, had testified Friday she had recommended that no action be taken against Young.

According to Mauriello, Mrs. Rooney said there was no evidence against Young that would have warranted the disciplinary charges or the attempt to fire the Port Richmond resident from the position he has held for eight years.

Dr. Slawinski could not be reached for comment yesterday. Mrs. Rooney refused to confirm or deny Mauriello's contentions. She said her testimony Friday came in a separate, unrelated arbitration matter and she questioned the ethics of discussing testimony given at a closed, unresolved hearing.

Testimony at the Feb. 20 hearing revealed that Young, who was normally assigned to another building, was reassigned Christmas Eve to Building 5 where Ramirez, 20, resided. At about 10 p.m. a resident of Building 5 wandered away and the aide, Leroy Ganzy, left the ward to locate the missing resident.

When Ganzy left, Young was in charge of about 20 retarded residents. "The description of the physical layout of the ward indicated that no one person could observe all of its areas simultaneously," the arbitrator, Nathan Cohen, said.

When Ganzy returned to Building 5, he discovered that Ramirez was gone. He told the arbitrator, however, that "it is impossible to ascertain who was in charge when the incident occurred."

The arbitrator concluded that Young "could not be faulted" because it would have been "impossible" for him to observe all 20 residents; because the building structure obscured certain areas; and because "he was not too familiar with the residents so that he could not instinctively sense that one was missing."

The Civil Service Employees Association, the union to which Young belongs, urged the arbitrator to treat Young like other aides have been treated in the past when residents have wandered off—"nothing should be done unless there was specific evidence of misconduct."

Cohen said he was "unwilling to assume that whenever a resident wanders off, the aide in charge of the resident is automatically responsible for the disappearance."

"The fact that Ramirez died," he said, "does not justify the imposition of a disciplinary penalty where there is no evidence of misconduct."

Young recently was suspended without pay from his job because of a series of late work arrivals.