

## **Agency vindicated in court decision**

The recent reversal in the New York State Association for Retarded Children vs. Carey decision of the Second Court of Appeals, March 31, was indeed newsworthy. However, there was a harmful error in the Staten Island Advance account of the decision.

Specifically, the story states flatly that in reaching his earlier ruling, Judge Bartels relied upon his own site visit, as well as allegations by plaintiffs to affirm that certain, poor conditions existed at Staten Island Developmental Center. In fact, the judge did not witness those conditions to substantiate the plaintiff's claims, as was reflected by your ... (reporter), Bruce Alpert, in articles on Dec. 11, 1981 (in) the Advance... Mr. Alpert, you may recall, accompanied the judge's party on that visit.

The recent appeal ruling indicates ... that it was just that reliance on hearsay rather than his own observation which was stressed in our objection to his conclusion. It was pointed out by the Appeals Court that our own audits of program were the proper vehicle of assessment for compliance.

This ruling is most important in upholding the integrity of the professional judgment of my staff. The intimation in the (April 2) article ... has sullied that victory.

A proper account of the decision would be most appreciated.

**ZYGMOND L. SLEZAK**

**Albany**

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