Administrative Law—Judicial Review

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Apparently, what the parties should do in order to settle their dispute, if further negotiations between them fail, is to return to the Railway Adjustment Board and seek a determination on the merits. Under the instant case, such a determination would be reviewable in the courts. If the Board does not render a final determination, but again dismisses the proceeding, the parties should bring an action, in the nature of mandamus, to compel the Railway Adjustment Board to render a decision on the merits of this case.

Judicial Review

The basic problem of judicial review of administrative action is: to what extent should a court go into the record of the agency? Only recently has the federal rule on the problem been clarified. In New York State, judicial review of administrative action is conducted under Article 78 of the Civil Practice Act. The issues that the court must determine are: "whether there was any competent proof of all the facts necessary to be proved in order to authorize the making of the determination," and if "there was such proof, whether upon all the evidence there was such a preponderance of proof against the existence of any of those facts that the verdict of a jury, affirming the existence thereof, rendered in an action in the supreme court triable by a jury, would be set aside by a court as against the weight of evidence.

As viewed by the courts, the statutory requirement for upholding a determination of an agency is that there be "substantial evidence" to support such determination. The evidence is to be viewed in the light of the record as a whole, and if the reviewing court concludes that others might reasonably have reached the same result as the agency, the determination should be upheld. These rules were neither originally laid down nor changed in the past term, but they were reiterated and explained.

43. §§ 1283-1306.
44. C. P. A. § 1296 subd. 6.
45. C. P. A. § 1296 subd. 7.
49. Ibid.