



CWA as to who would represent the appellant at the hearing. Ms. Taylor explains that the national CWA office has always handled working test period cases until recently. Thus, the appellant's case was caught in the middle of the new change as to which CWA office would handle working test period cases and there was no clear indication as to who would be the appellant's representative. Ms. Taylor maintains that it was an unintentional miscommunication and it would be unfair to deprive the appellant of her opportunity to resolve this matter through a hearing. Therefore, she requests that the matter be re-transmitted to OAL for a hearing.

In response, the appointing authority, represented by Ila Bhatnagar, Director of Employee Relations, maintains that the appellant's reasons for non-appearance at her hearing at the OAL are insufficient to warrant rescheduling of this matter. In this regard, the service list clearly indicates that the appellant's representative was Laurie Taylor and the scheduling notice was sent to CWA Local 1037's address of record. Additionally, there is no evidence that the notice was returned as undeliverable. Furthermore, the appellant's claim of confusion over her representation clearly was an internal matter over which the DCF has no control. Lastly, there is no evidence that CWA sought an adjournment to clarify any issues with regard to representation pursuant to *N.J.A.C. 1:1-9.6*. As such, the appointing authority requests that the matter not be rescheduled.

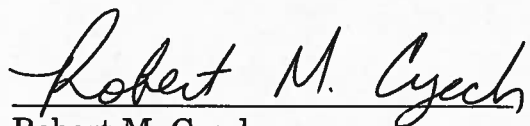
### CONCLUSION

In this matter, the appellant has sustained her burden of proof. A review of the April 15, 2014 service list for the Notice of Prehearing Telephone Conference and Hearing issued by the OAL scheduling the July 14, 2014 hearing indicates that it was only sent to DCF and Laurie Taylor and not the appellant. Upon receipt of the Failure to Appear Notice, the appellant filed a timely appeal to the Commission explaining her extenuating circumstances and that she did not receive the Notice of Hearing. Furthermore, the record indicates that there was a miscommunication between the national and local CWA offices regarding the appellant's representation. Therefore, the record as a whole indicates that the appellant intended to pursue her statutory right to challenge her release after the end of her working test period and did not intend to abandon her appeal. Accordingly, the Commission finds that under all of the circumstances in this matter, to deny the appellant a hearing on the merits of her appeal would be unjust.

### ORDER

Therefore, it is ordered that Nadeyah Sarmad's request to reinstate her appeal be granted and the matter be transmitted to the OAL for further proceedings.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF OCTOBER, 2014



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