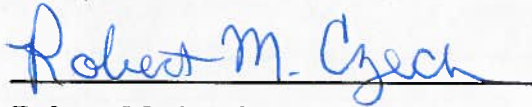


Re: Jacqueline Thompson

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
OCTOBER 22, 2014

A handwritten signature in blue ink that reads "Robert M. Czech". The signature is written in a cursive style and is positioned above a solid horizontal line.

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Unit H
P. O. Box 312
Trenton, New Jersey 08625-0312

attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. CSV 01682-14

AGENCY DKT. NO. 2014-1903

**IN THE MATTER OR JACQUELINE THOMPSON,
NEWARK PUBLIC SCHOOL DISTRICT.**

Matthew P. Rocco, Esq., for Laundry Distribution and Food Service Joint Board,
Workers United, SEIU representing Petitioner (The Law Offices of Richard
M. Greenspan, P.C., attorneys)

Bernard Mercado, Esq., Assistant Corporation Counsel for respondent, City of
Newark (Karen Brown, Corporation Counsel)

Record Closed: September 3, 2014

Decided: September 10, 2014

BEFORE LELAND S. MCGEE, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner appeals the Newark Public School District's Final Notice of Disciplinary Action (FDNA) dated January 13, 2014, terminating her employment for excessive absenteeism or lateness, neglect of duty, inability to perform duties and other sufficient cause. She filed a timely appeal and the matter was transmitted to the Office of Administrative Law (OAL) as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and

N.J.S.A. 52:14F-1 to -13, and filed on February 10, 2014. A Plenary Hearing was scheduled for May 1, 2014. On April 25, 2014, counsel for Petitioner sent a letter to the undersigned confirming that the parties reached a settlement agreement, and jointly requested an adjournment of the scheduled hearing. By e-mail dated June 13, 2014, counsel for Petitioner informed the court that, as of that date, Petitioner had not executed the agreement and he requested that the matter be rescheduled for a plenary hearing.

A new hearing dated was scheduled for September 3, 2014. Counsel for both parties appeared however, Petitioner failed to appear. Counsel for Petitioner stated on the record that he had been in contact with Petitioner who stated that she wanted to withdraw this matter. However, Petitioner failed to comply with the request to execute a written withdraw. Counsel further stated that he spoke with Petitioner prior to the hearing and she advised him that she did not plan to appear. On the record, counsel for Respondent moved for dismissal for failure to appear. On the record, Counsel for Petitioner consented to the motion. As of this date, Petitioner has not contacted this court regarding her failure to appear.

FINDINGS OF FACT

Based on the testimony and documents of record, I **FIND** that Petitioner failed to appear at the September 3, 2014, hearing without good cause.

LEGAL AUTHORITY

If a party fails to appear at a scheduled proceeding, a judge may impose sanctions after one day. Unless that party submits an explanation during that time, the judge may direct the Clerk to return the matter to the transmitting agency for disposition. N.J.A.C. 1:1-3.3 (b),(c) and §14.14.

CONCLUSION

Based on the foregoing Findings of Fact and Legal Authority, I **CONCLUDE** that the petitioner failed to appear at the most recently scheduled hearing without excuse and has not timely responded to the instant motion.

ORDER

Based on the foregoing, It is hereby **ORDERED** that the Motion to Dismiss this matter is **GRANTED**.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

September 10, 2014


DATE



LELAND S. MCGEE, ALJ

Date Received at Agency:

September 10, 2014



**DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE**

Date Mailed to Parties:

SEP 11 2014

lr