

B-14



STATE OF NEW JERSEY

In the Matter of Ladyshawn Burton
Woodbridge Developmental Center
Department of Human Services

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC DKT. 2014-2510
OAL DKT. NO. CSV 05415-14

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ISSUED: FEBRUARY 6, 2015 BW

The appeal of Ladyshawn Burton, Truck Driver, Single Axle, Woodbridge Developmental Center, Department of Human Services, removal effective December 2, 2013, on charges, were heard by Administrative Law Judge James A. Geraghty, who rendered his initial decision on December 15, 2014. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on February 4, 2015, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

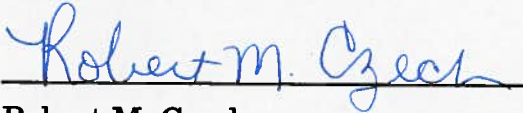
ORDER

The Civil Service Commission grants the appointing authority's motion to dismiss the appeal of Ladyshawn Burton.

Re: Ladyshawn Burton

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
FEBRUARY 4, 2015



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

SUMMARY DECISION

OAL DKT. NO. CSV 05415-14

AGENCY DKT. NO. 2014-2510

**IN THE MATTER OF LADYSHAWN BURTON,
DEPARTMENT OF HUMAN SERVICES,
WOODBIDGE DEVELOPMENTAL CENTER.**

Ladyshawn Burton, appellant, pro se

**Nicole M. DeMuro, Deputy Attorney General, for respondent Department of
Human Services (John J. Hoffman, Acting Attorney General of New
Jersey, attorney)**

Record Closed: November 24, 2014

Decided: December 15, 2014

BEFORE JAMES A. GERAGHTY, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Respondent moved to dismiss and for summary decision, on the papers, as amended, on October 23, 2014. (R-1.) The facts are as recited in respondent's

October 15, 2014 letter brief with accompanying exhibits as supplemented by letter brief dated October 20, 2014, received at the OAL October 21, 2014. (R-3.)

Appellant was employed at the Woodbridge Developmental Center as a truck driver. The removal was based on misconduct. Respondent's motions contend that the matter is moot. Appellant had twenty days to respond to respondent's dispositive motions.

Under the Uniform Administrative Procedural Rules, a dispositive motion shall be granted if an adverse party does not respond. N.J.A.C. 1:1-15.5. The time to respond is twenty days. N.J.A.C. 1:1-12.2.

Appellant failed to respond to the motions and is in default. The motion to dismiss and the motion for summary decision are analogous.

FINDINGS OF FACT

As appellant has failed to respond to the dispositive motions as required by the OAL rules, and did not request an extension of time to respond, I **FIND** that she is in default.

CONCLUSION

Based on the foregoing circumstances, I **CONCLUDE** that the respondent's motions to dismiss should be granted and that the petition should be denied.

DISPOSITION AND ORDER

Based on the foregoing findings of fact and conclusion of law, I grant the respondent's motions and **ORDER** the petition **DISMISSED**.

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.

December 15, 2014
DATE

James A. Geraghty
JAMES A. GERAGHTY, ALJ

Date Received at Agency:

December 15, 2014
Laura Sanders

Date Mailed to Parties:
jb

DEC 17 2014

DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE