



STATE OF NEW JERSEY

In the Matter of Cynthia Pena
 Passaic County Board of Social Services

CSC DKT. NO. 2018-2902
 OAL DKT. NO. CSV 05838-18

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

ISSUED: AUGUST 17, 2018 BW

The appeal of Cynthia Pena, Human Services Specialist 1, Passaic County Board of Social Services, removal effective March 19, 2018, on charges, was heard by Administrative Law Judge Joann LaSala Candido, who rendered her initial decision on July 25, 2018. 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 August 15, 2018, 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 therefore dismisses the appeal of Cynthia Pena.

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
THE 15TH DAY OF AUGUST, 2018

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
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 05838-18

AGENCY DKT. NO. 2018-2902

**IN THE MATTER OF CYNTHIA PENA,
PASSAIC COUNTY BOARD OF SOCIAL
SERVICES,**

David H. Weiner, Union Representative for appellant, failed to appear

Albert C. Buglione, Esq., appearing on behalf of respondent, Passaic County
Board of Social Services

Record Closed: July 24, 2018

Decided: July 25, 2018

BEFORE JOANN LASALA CANDIDO, ALAJ:

Appellant, Cynthia Pena, appeals from the Final Notice of Disciplinary Action (FNDA) dated March 17, 2018, terminating her employment for chronic excessive absenteeism or lateness. Appellant filed an appeal with the Civil Service Commission and the Commission granted appellant's request for a hearing and transmitted the matter to the Office of Administrative Law on April 23, 2018, for determination as a contested case. By notice dated May 1, 2018, appellant and respondent's counsel were notified of a telephone prehearing scheduled for May 21, 2018 at 3:00 p.m. The notice requested that appellant provide a telephone number where she could be reached for

the call. On May 18, 2018, Union Representative David H. Weiner entered an appearance on behalf of appellant. The undersigned held a pre-hearing telephone conference on May 21, 2018, whereby Mr. Weiner advised that he was having an issue trying to reach his client. An in-person conference was scheduled for July 23, 2018. Prior to this hearing, Mr. Buglione spoke to Mr. Weiner and was advised that he still had not been able to reach appellant.

Based upon the lack of appearance by either Mr. Weiner or his client and having had notices sent to all parties on May 21, 2018, I must **FIND** this conduct tantamount to an abandonment of her request for a hearing.

ORDER

Based upon the foregoing, I **ORDER** that the appeal filed by appellant in this matter be and is hereby **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.

July 25, 2018
DATE

Joann Lasala Candido
JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

July 25, 2018

Date Mailed to Parties:

ljb
