

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P. O. Box 312
Trenton, New Jersey 08625-0312

attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

FAILURE TO APPEAR

OAL DKT. NO.CSV 05062-20

AGENCY DKT NO. 2020-2552

**IN THE MATTER OF CATHERINE
ZUIDEMA, DEPARTMENT OF
HUMAN RESOURCES.**

Catherine Zuidema, pro se

**Steven W. Kleinman, Special County Counsel, for respondent (Michael D.
Fitzgerald, County Counsel)**

Record Closed: January 18, 2022

Decided: January 25, 2022

BEFORE JUDITH LIEBERMAN, ALJ:

STATEMENT OF THE CASE

Appellant, Catherine Zuidema, appeals her termination at the end of a three-month working test period.

BACKGROUND AND PROCEDURAL HISTORY

Respondent notified appellant of its determination by way of an April 21, 2020, letter. Appellant appealed this decision on April 28, 2020. The matter was transmitted to the Office of Administrative Law, where it was filed as a contested case on June 2, 2020, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

A settlement conference was conducted on March 6, 2021. As the matter did not settle, it was assigned to the undersigned on May 7, 2021. Multiple status conferences were scheduled and conducted between June 29, 2021, and January 13, 2022. Appellant and respondent each failed to appear for status conferences during this time. Appellant appeared for a November 30, 2021, status conference, while respondent failed to appear. At that time, December 16, 2021, was selected, in consultation with appellant, for the next status conference. Appellant did not appear for the December 16, 2021, status conference; respondent appeared for the conference. Appellant subsequently advised that she was unable to appear due to hospitalization. Another status conference was scheduled for January 13, 2022. Appellant was notified of the status conference by way of an emailed official notice and an email from respondent's counsel. She did not appear for the status conference. To date, appellant has not contacted the Office of Administrative Law to address her failure to appear for the January 13, 2022, status conference.

APPLICABLE LAW

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

CONCLUSION

Because the petitioner has failed to appear for a scheduled appearance and has not contacted the OAL concerning her failure to appear, I **CONCLUDE** that she has abandoned her appeal. Accordingly, the Clerk should return this matter to the transmitting agency.

ORDER

It is **ORDERED** that the Clerk return this matter to the transmitting agency for appropriate disposition.

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.

January 25, 2022 _____
DATE



JUDITH LIEBERMAN, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

mph