

#### STATE OF NEW JERSEY

In the Matter of Catherine Zuidema, Monmouth County, Department of Human Resources

CSC DKT. NO. 2020-2552 OAL DKT. NO. CSV 05062-20 FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

ISSUED: FEBRUARY 16, 2022

The appeal of Catherine Zuidema, Human Services Specialist 1, Monmouth County, Department of Human Resources, release at the end of the working test period, effective April 20, 2020, was heard by Administrative Law Judge Judith Lieberman (ALJ), who rendered her initial decision on January 25, 2022, 2021. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting of February 16, 2022, accepted and adopted the Conclusion as contained in the attached ALJ's initial decision.

#### ORDER

The Civil Service Commission dismisses the appeal based on the appellant's failure to appear.

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 16<sup>TH</sup> DAY OF FEBRUARY, 2022

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Deirdré L. Webster Cobb Chairperson Civil Service Commission 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



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.

### <u>ORDER</u>

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	_	Judere Ween
DATE		JUDITH LIEBERMAN, ALJ
Date Received at Agency:		
Date Mailed to Parties:		
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