



STATE OF NEW JERSEY

DECISION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jacqueline
Mastroeni, Gloucester County

CSC Docket No. 2022-234

Administrative Appeal

ISSUED: JUNE 20, 2022 (AMR)

Jacqueline Mastroeni, an Emergency Medical Technician with Gloucester County, represented by Michael Blaszczyk, President, CWA Local 1085 (Local), requests to reinstate the appeal of her 90 working day suspension, which was dismissed on the basis of her failure to appear at the February 1, 2022 settlement conference at the Office of Administrative Law (OAL).

The appellant timely appealed her suspension to this agency which transmitted the matter to the OAL as a contested case. The OAL scheduled the matter for a settlement conference on February 1, 2022, and sent a notice dated October 14, 2021 to this effect to the appellant’s union representative and Gloucester County’s attorneys. On the scheduled date, the appellant and her representative failed to appear. The OAL issued a Failure to Appear notice which indicated that the appellant failed to appear at the scheduled proceedings. On February 2, 2022, the matter was returned to the Civil Service Commission (Commission) for a final decision, with a notice giving the parties 13 days to present any excuse to this agency for failure to appear at the OAL proceedings.

In support of the appellant’s request for reinstatement of her appeal, the appellant’s union representative indicates that the appellant did not appear as a result of a clerical error on the part of his office. The union representative asserts that the notice arrived in his office in late October. However, staff had been working from home due to multiple positive cases of COVID-19 in the office. When the notice was recorded at the Local office, the conference date was incorrectly placed on the schedule for February 7, 2022, instead of the correct date of February 1, 2022, and the notice was then filed away in the appellant’s records at the office. Furthermore,

the union representative emphasizes that the appellant was not included on the service list for the notice of the settlement conference. However, she was on the service list for both the initial notice and the Failure to Appear notice. Therefore, the appellant requests that her appeal be returned to the OAL.

Despite the opportunity, the appointing authority did not respond to the appellant's request.

CONCLUSION

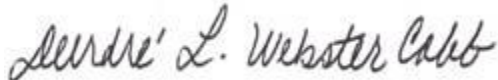
In this matter, the appellant's union representative indicates that the date for the settlement conference was incorrectly recorded in the Local office as February 7, 2022. In this regard, when an appellant is represented by an attorney or union representative, the OAL only sends notice to the attorney or union representative. Accordingly, as the appellant does not bear any individual responsibility for her failure to appear at the settlement conference on February 1, 2022, and she did not intend to abandon her appeal, it would be unfair not to permit her to pursue her statutory right to challenge her suspension based on a clerical error by her union representative.

Accordingly, the Commission finds that, under the circumstances presented in this matter, to deny the appellant a hearing on the merits of her disciplinary action would be unjust.

ORDER

Therefore, it is ordered that Jacqueline Mastroeni's request to reinstate her appeal be granted and the matter be transmitted to the OAL for further proceedings.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF JUNE 2022



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