



STATE OF NEW JERSEY

In the Matter of Jean Lormine, New
Jersey Veterans Memorial Home-
Menlo Park, Department of Military
and Veterans Affairs

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

CSC DKT. NO. 2024-44
OAL DKT. NO. CSV 06544-23

Corrected Decision

ISSUED: December 3, 2024

The appeal of Jean Lormine, Painter, New Jersey Veterans Memorial Home-Menlo Park, Department of Military and Veterans Affairs, 30 working day suspension, on charges, was heard by Administrative Law Michael R. Stanzione (ALJ), who rendered his initial decision on October 7, 2023. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply filed by the parties, the Civil Service Commission (Commission), at its meeting of November 6, 2024, accepted the Findings of Fact and Conclusions of the ALJ as well as his recommendation to uphold the 30 working day suspension.

As indicated above, the Commission has reviewed the appellant's exceptions in this matter and finds them wholly unpersuasive. The Commission makes the following comment. The Commission agrees with the ALJ's determinations regarding the charges, which were substantially based on his assessment of the credibility of the testimony of the witnesses. In this regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such

determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. See *N.J.S.A. 52:14B-10(c)*; *Cavalieri v. Public Employees Retirement System*, 368 *N.J. Super.* 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ's credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. Accordingly, the Commission finds nothing in the record to question those determinations or the findings and conclusions made therefrom.

Regarding the penalty, similar to its review of the underlying charges, the Commission's review of the penalty is *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 *N.J.* 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 *N.J.A.R. 2d* (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. See *Henry v. Rahway State Prison*, 81 *N.J.* 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. See *Carter v. Bordentown*, 191 *N.J.* 474 (2007).

In this matter, the Commission agrees with the ALJ that, given the appellant's misconduct and his prior disciplinary history, that the 30 working day suspension imposed by the appointing authority is appropriate.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Jean Lormine.

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 6TH DAY OF NOVEMBER, 2024



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
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

OAL DKT. NO. CSV 06544-23

AGENCY DKT. NO. 2024-44

**IN THE MATTER OF JEAN LORMINE,
NEW JERSEY VETERANS
MEMORIAL HOME.**

Arnold Shep Cohen, Esq., for appellant, Jean Lormine (Oxfeld Cohen, P.C.,
attorneys)

Craig Smith, Esq., Legal Liaison, for respondent, New Jersey Veterans Memorial
Home

Record Closed: July 9, 2024

Decided: October 7, 2024

BEFORE MICHAEL R. STANZIONE, ALJ:

STATEMENT OF THE CASE

Appellant Jean Lormine (appellant or Lormine) appeals the decision of respondent appointing authority New Jersey Veterans Memorial Home (Appointing Authority) to suspend him for thirty days from his position as a painter for alleged violations of N.J.A.C. 4A:2-2.3(a)(6) conduct unbecoming, N.J.A.C. 4A:2-2.3(a)(2) insubordination, and N.J.A.C. 4A:2-2.3(a)(12) other sufficient cause. Appellant denies the charges and asserts that the Appointing Authority failed to meet its burden of proving them. Should the

suspension be sustained? Yes. The Appointing Authority established by a preponderance of the competent, relevant, and credible evidence that appellant committed the offenses by failing to cooperate in two workplace investigations, failing to provide a statement of his completed work, and failing to provide a statement about a workplace violence incident.

PROCEDURAL HISTORY

On April 21, 2023, the Appointing Authority issued an April 21, 2023, Preliminary Notice of Disciplinary Action (PNDA) to appellant. R-4. After a departmental hearing in which the charges were sustained, a Final Notice of Disciplinary Action (FNDA) encompassing all the disciplinary actions was issued. R-5. The FNDA charged appellant with violating N.J.A.C. 4A:2-2.3(a)(6) conduct unbecoming, N.J.A.C. 4A:2-2.3(a)(2) insubordination, and N.J.A.C. 4A:2-2.3(a)(12) other sufficient cause: Intentional disobedience or refusal to accept a reasonable order. The FNDA imposed a penalty of a thirty-working-day suspension without pay, which appellant has since served, in accordance with the applicable civil service statutes and regulations. The appellant filed a timely appeal, and the matter was transmitted to the Office of Administrative Law on July 19, 2023, for hearing as a contested case. The case was heard on July 9, 2024. The record remained open for the receipt of written summations by the parties. Both summations were received by July 9, 2024, and the record closed that day.

FACTUAL DISCUSSION AND FINDINGS

The following is undisputed, and I, therefore, **FIND** the following as **FACT**:

1. Appellant has been employed by the State since 1999. He is currently employed by the New Jersey Veterans Memorial Home in Menlo Park as a painter. He has been employed there since 2004.
2. Appellant served as the union chapter president from 2005 until 2023, during which time he worked with members on disciplinary actions.

3. Appellant was previously given an oral warning on July 28, 2022, for charges that included insubordination. R-4M-8.
4. Appellant was previously given a five-working-day suspension on May 22, 2023, for charges that included insubordination. On January 5, 2024, after an internal appeal, the five-day suspension was reduced to three days. R-1A, R-1B.
5. On February 4, 2023, and February 5, 2023, appellant was assigned to paint the doors in the Eagle Unit of the New Jersey Veterans Memorial Home. He was to also paint the fire doors at the high and low end and to spot paint and touch up everything else.
6. There was a "VIP" tour scheduled. The appellant was to "clean up" the unit by completing the assignment to make the unit presentable for the tour.
7. On February 4, 2023, the appellant clocked in at 6:57 a.m. and clocked out at 11:30 p.m., logging sixteen hours of overtime. R-2.
8. On February 5, 2023, appellant clocked in at 6:59 am and clocked out at 11:39 am, logging sixteen hours of overtime. R-2.
9. Upon inspection of the unit, the Appointing Authority did not think the work done reflected the amount of time appellant clocked in for overtime.
10. On February 7, 2023, as part of an internal investigation about the workplace job assignment, appellant was instructed to submit a written statement. He was to explain the work done and the hours it took. Despite being given multiple opportunities to submit the statement, he continuously refused to cooperate with the investigation.
11. On March 10, 2023, appellant submitted a written statement. In his statement, he wrote that Peter Taburos, the engineer in charge of maintenance, asked him to write down what was painted in the Eagle Unit. Appellant wrote, "He knows

exactly what it takes to paint a unit." R-4M-3. "Peter did not ask other Maintenance employees to write down what they completed." "This is unfair treatment. This unfair treatment is not based on my protected class; it is because Peter does not like me and wants me fired."

12. On March 10, 2023, as part of a possible workplace violence investigation that the appellant was a witness to, the appellant was instructed to submit a witness statement. He refused despite being given multiple opportunities to submit it. R-4M-5.

13. A memo was sent to appellant on March 27, 2023, instructing him that if "a supervisor instructs a subordinate to complete a statement, the subordinate must complete the statement." R-4M-5. "If the subordinate fails to complete the statement, the subordinate could face discipline." Ibid. "Please complete the written statement before close of business today. If you fail to complete the statement, you will be subject to discipline." Ibid.

14. A PNDA was issued to appellant on April 21, 2023, listing charges of Conduct Unbecoming, Insubordination, and Other Sufficient Cause. R-4M-2.

15. On May 11, 2023, an internal hearing was held concerning the charges in the April 21, 2023, PNDA, and a thirty-day suspension for insubordination was imposed. R-4.

16. An FNDA was issued on May 25, 2023, with charges of Conduct Unbecoming, Insubordination, and Other Sufficient Cause, specifically, violation of Department Directive 230.05, instituting a thirty-day suspension. R-5.

Testimony

For the New Jersey Veterans Memorial Home:

Scott Mueller is employed by the Appointing Authority as its Chief Executive Officer (CEO). As CEO, he was responsible for overseeing different departments and their operations, including housekeeping and maintenance.

In March 2023, the Commissioner of the New Jersey Department of Health was coming to the Appointing Authority to do a tour, and they hoped to speak with the president of the Appointing Authority's resident's council. The president of the resident's council resided in the "Eagle Unit" of the Appointing Authority. Appellant was assigned to paint the Eagle Unit and clocked overtime for doing so on February 4 and 5 of 2023. Upon inspection of the Eagle Unit on the following Monday, it did not seem complete, and a statement was requested from appellant describing the work done. From the inspection on the Monday following the painting, it seemed that not much was done as there were still marks and damage to the walls present.

While a statement by appellant was presented that mentioned painting, it did not describe the work done or how long it took. R-4M-3.

In March 2023, appellant witnessed a workplace violence incident. He was asked to provide a witness statement, which he refused to provide. Mr. Mueller pointed out the violence in the workplace directive that all employees are given. R-3. It specifically states, "All employees shall cooperate with workplace investigations. Employees will be required to respond when interviewed and prepare written statements regarding incident(s) to which they were a witness." R-3 at 10. The witness statement provided on March 10, 2023, did not mention a workplace violence situation. R-4M-3.

Beonica McClanahan is the employee relations officer at the Appointing Authority. It is her job to process discipline and hold labor management meetings. She stated that she previously handled discipline matters involving appellant.

Regarding the statements requested explaining the work done in Eagle Unit and witnessing the workplace violence incident, McClanahan hand-delivered a memo to the appellant after a supervisor had asked him to submit a written statement. The memo informed the appellant that he was to submit the statement or be subject to discipline. R-1.

McClanahan also explained the corrective and disciplinary action booklet. R-4M-7. She opined that the appellant should be familiar with the booklet as he was the union chapter president until 2023. She offered that in the table of offences and penalties, insubordination carries a first infraction penalty ranging from counseling to removal. A second infraction carries a penalty ranging from a five-working-day suspension to removal. A third infraction carries a penalty of removal.

She testified that there was a previous infraction in July 2022, for which a written warning was issued. On November 29, 2022, as part of an investigation, appellant was instructed to submit a written statement. He refused. The FNDA for that prior matter shows he was charged with N.J.A.C. 4A:2-2.3(a)(2) insubordination and was suspended five working days. R-1A.

In the current matter, McClanahan filled out the PNDA and combined two incidents of insubordination so they would appear as one. R-4M-2. She then stated that she attached the minimum working day suspension of thirty days to that PNDA. In reference to the statement explaining his work painting the Eagle Unit, the appellant refused to provide a statement. When he finally did provide a statement, it was insufficient, and she did not find it responsive to the request. Pertaining to the workplace violence that appellant witnessed, he never submitted a statement. Nine people were named as witnesses in that incident, and all but appellant submitted statements.

It was McClanahan's opinion that a removal would have been appropriate given all the chances appellant was given to cooperate and his refusal to do so. However, she was reluctant to do that, and he was given a thirty-working-day suspension on the FNDA. R-5.

McClanahan was recalled as a rebuttal witness after the appellant's testimony. She was asked about the grievances filed and if they were sufficient to be counted as the statements he was asked for. She stated that they are different processes. They have a different form. A grievance is not sufficient as the statement listing the work completed in the Eagle Unit or the witness statement requested for the workplace violence incident.

For the appellant:

Jean Lormine, appellant, offered that when he was asked to write a statement about being a witness to violence in the workplace, he said no and filed a grievance against his supervisor. He believed that he filed about seven grievances in lieu of a statement.

As for painting the Eagle Unit, he opined that to paint it himself would take a month as there are over sixty rooms. He said that he did the best he could and showed management the work he did. He received no help in painting the unit, and on Monday following the weekend of painting, he was told it was not enough.

On cross examination, the appellant was asked "since his grievance says what you witnessed why not just repeat it in a statement?" He responded that he was the victim and he gave the statement to his lawyer and he has no idea why it was not here.

Additional Findings

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of the Appointing Authority's witnesses during their testimony concerning their understanding of the Appointing Authority's relevant policies and procedures. They testified professionally and without equivocation concerning the policies and procedures for obtaining statements from employees. I find their testimony to be credible.

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of the appellant during his testimony and throughout the proceeding. The appellant comported himself in a manner that suggested he was not credible. He did not

offer documentary or other evidence to support an assertion that he had submitted a statement that would be deemed sufficient. He just mentioned that he did submit one to his lawyer and Ms. McClanahan. That statement was never produced. Given the absence of evidence supporting the appellant's assertion, I cannot afford his testimony equal weight to that of respondent's witnesses.

Having considered the testimony and documentary evidence and the credibility of the witnesses, I **FIND as FACT** that the appellant did not submit a sufficient personal statement for the workplace violence incident or accounting for his thirty-two hours of overtime as requested by his superiors.

LEGAL ANALYSIS AND CONCLUSIONS

The Civil Service Act, N.J.S.A. 11A:1-1 to -12-6 (Act), and its implementing regulations, N.J.A.C. 4A:1-1.1 to -10-3.2, are designed in part "to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance." N.J.S.A. 11A:1-2(c). An employee may be subject to discipline for several reasons, including insubordination, N.J.A.C. 4A:2-2.3(a)(2); conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6); and other sufficient cause, N.J.A.C. 4A:2-2.3(a)(12). Major discipline for such infractions may include removal, disciplinary demotion, or suspension for more than five working days at any time. N.J.A.C. 4A:2-2.2(a).

The Act protects classified employees from arbitrary dismissal and other onerous sanctions. See In re Shavers-Johnson, 2014 N.J. AGEN LEXIS 439 Initial Decision (July 30, 2014), adopted, Comm'n., 2014 N.J. AGEN LEXIS 1049 (September 3, 2014); Investigators Ass'n v. Hudson Cty. Bd. of Freeholders, 130 N.J. Super. 30, 41 (App. Div. 1974); Scancarella v. Dep't of Civil Serv., 24 N.J. Super. 65, 70 (App. Div. 1952). To determine if a penalty is reasonable, the employee's record may be reviewed to determine the appropriate penalty for the current specific offense. "The evidence presented and the credibility of the witnesses will assist in resolving whether the charges and discipline imposed should be sustained; or whether there are mitigating circumstances, which . . .

must be taken into consideration when determining whether there is just cause for the penalty imposed." Shavers-Johnson, 2014 N.J. AGEN LEXIS 439, Initial Decision. Major discipline may include suspension or removal, depending upon the incident complained of and the employee's record. See, *West New York v. Bock*, 38 N.J. 500, 519 (1962) (describing progressive discipline).

The issue to be addressed here is whether a preponderance of the credible evidence establishes that appellant has committed the violations enumerated in the FNDA, and, if so, whether these violations warrant a thirty-day suspension or another penalty, if any.

The appellant is charged with violating N.J.A.C. 4A:2-2.3(a)(2), insubordination; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, specifically, violation of Department Directive 230.05.

Insubordination

The regulation, which includes "insubordination" as an offense subject to discipline, does not define the term. N.J.A.C. 4A:2-2.3(a)(2). Insubordination is defined in Black's Law Dictionary 802 (11th Ed. 2019) as a "willful disregard of an employer's instructions" or an "act of disobedience to the proper authority." Webster's II New College Dictionary (1995) defines insubordination as "not submissive to authority: disobedient." Such dictionary definitions have been used by courts to define the term where it is not specifically defined in contract or regulation.

The above definitions incorporate acts of non-compliance, non-cooperation, and affirmative acts of disobedience. Thus, insubordination can occur even where no specific order or direction has been given to the allegedly insubordinate person. Insubordination is always a serious matter. "Refusal to obey orders and disrespect cannot be tolerated. Such conduct adversely affects the morale and efficiency of the department." *Rivell v. Civil Serv. Comm'n*, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971).

Here, on March 10, 2023, appellant did not follow a management directive when he failed to submit written statements pertaining to two separate investigations. Employees must follow management directives or be subject to discipline. Further, I found that appellant was notified that he was to submit statements or face discipline. Therefore, I **CONCLUDE** that the Appointing Authority has proved by a preponderance of the credible evidence that appellant violated N.J.A.C. 4A:2-2.3(a)(2), insubordination.

Conduct Unbecoming a Public Employee

There is no precise definition for "conduct unbecoming a public employee," and the question of whether conduct is unbecoming is made on a case-by-case basis. In re King, CSV 02768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), <http://njlaw.rutgers.edu/collections/oal/>. "Conduct unbecoming a public employee" is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or tends to destroy public respect in the delivery of governmental services. Karins v. Atl. City, 152 N.J. 532, 554 (1998); see also, In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)). Unbecoming conduct may include improper behavior under the circumstances, it may be less serious than a violation of the law, but it is inappropriate on the part of a public employee because it disrupts governmental operations.

The uncontested facts are that appellant refused to issue written statements about either investigation. Despite being asked several times to do so both in person and through written memorandum, he still refused to listen to his superiors and follow the policies laid out by the Appointing Authority. He acted inappropriately and

unprofessionally. Moreover, appellant's disregard for management's clear directive and his failure to follow policy was not only a violation of the implicit standard of good behavior but a disruption of the Appointing Authority's investigations. I **CONCLUDE** that the Appointing Authority has met its burden of proving that appellant's actions of defiance were conduct unbecoming a public employee, violating N.J.A.C. 4A:2.3(a)(6).

Other Sufficient Cause

There is no definition in the New Jersey Administrative Code for other sufficient cause; it is generally defined as all other offenses caused and derived from all other charges against the appellant. There have been cases when the charge of other sufficient cause has been dismissed when "[r]espondent has not given any substance to the allegation." Simmons v. City of Newark, 2006 N.J. AGEN LEXIS 68, *113, Initial Decision (February 22, 2006), adopted, Merit System Bd. 2006 N.J. AGEN LEXIS 565 (April 5, 2006).

Appellant failed to cooperate with the investigations by ignoring repeated requests from superiors for his written statements in violation of their policies. I thus **CONCLUDE** that appellant violated the Appointing Authority's Violence in the Workplace and Corrective and Disciplinary Action policies, and therefore violated N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.

PENALTY

When addressing the question of penalty in a de novo review of a disciplinary action against an employee, it is necessary to reevaluate the proofs and "penalty" on appeal based on the charges. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980); W.N.Y. v. Bock, 38 N.J. 500 (1962). Several factors must be considered in determining the appropriateness of a penalty, including the nature of the employee's offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Dev. Ctr., 96 N.J.A.R.2d (CSV) 463. According to Bock, progressive discipline concepts involving increasingly severe penalties are used where appropriate. See In re Parlow, 192 N.J. Super. 247 (App. Div. 1983). Major discipline may include

suspension, removal, or demotion depending upon the incident complained of and the employee's record. Bock, 38 N.J. at 522-24.

The appellant's prior undisputed disciplinary history includes a warning and a five-day suspension, which was reduced to three days, for charges including insubordination, conduct unbecoming a public employee, and other sufficient cause. R-1A, R-4M-2, R-5.

Here, appellant is subject to major discipline for the violations of N.J.A.C. 4A:2-2.3(a)(2), insubordination; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause due to violations of workplace policies. Major discipline for such infractions may include removal, disciplinary demotion, suspension, or fine for more than five working days at any time. N.J.A.C. 4A:2-2.2(a). The respondent imposed a thirty-day suspension upon the appellant due to these charges.

Based upon the totality of the evidence and with due consideration of the appellant's prior disciplinary record, I **CONCLUDE** that the penalty of a thirty-day suspension is reasonable, appropriate, and consistent with the policy of progressive discipline.

ORDER

I hereby **ORDER** that the appeal of appellant Jean Lormine of charges of (1) insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); (2) conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); and (3) other sufficient cause in violation of N.J.A.C. 4A:2-2.3(a)(12), specifically, violations of Departmental Directive 230.05, is **DENIED**, and the decision of respondent, the Menlo Park Veterans Memorial Home, to impose a thirty-day suspension upon the appellant for violating those charges is **AFFIRMED**.

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 the other parties.

October 7, 2024

DATE


MICHAEL R. STANZIONE, ALJ

Date Received at Agency:

October 7, 2024

Date Mailed to Parties:

October 7, 2024

APPENDIX

Witnesses

For appellant:

Jean Lormine

For respondent:

Scott Mueller

Beonica McClanahan

Exhibits

For appellant:

A-1 Summation Brief

For respondent:

R-1	Memorandum from Beonica McClanahan to Jean Lormine re: written statement dated July 8, 2022
R-1A	FNDA for Insubordination five-day suspension May 22, 2023
R-1B	Order of JUMP Panel reducing five-day suspension to three-day suspension January 5, 2024
R-2	Time and attendance report for Jean Lormine
R-3	Violence in the Workplace Directive
R-4	Hearing officer Decision Imposing thirty-day suspension for insubordination
R-4M-2	PNDA seeking thirty-day suspension for third and fourth incidents of insubordination April 21, 2023
R-4M-3	Lormine statement explaining why he will not provide statement as to work accomplished during approved overtime
R-4M-4	Taburos statement re: paint assignment
R-4M-5	Mueller directive to Lormine to provide statement

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R-4M-7	Corrective and disciplinary action booklet
R-4M-8	Summary of warning for insubordination July 28, 2022
R-5	FNDA imposing thirty-day suspension for insubordination