

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10TH DAY OF APRIL, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Deputy 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

DISMISSAL

OAL DKT.NO. CSV 01023-23

AGENCY DKT. NO. 2023-1451

**IN THE MATTER OF B [REDACTED] O. S [REDACTED],
DEPARTMENT OF HEALTH GREYSTONE
PARK PSYCHIATRIC HOSPITAL.**

William Nash, Esq. (The Nash Law Firm)

Kathryn Moynihan, Deputy Attorney General, for respondent (Matthew Platkin,
Attorney General of New Jersey, attorneys)

Record Closed: March 8, 2024

Decided: March 12, 2024

BEFORE KIMBERLY A. MOSS, ALJ:

Appellant, B [REDACTED] S [REDACTED] appeals his removal by respondent, Department of Health, Greystone Park psych Hospital (Greystone) Union County Department of Human Services (Union), on charges of conduct unbecoming a public employee and other sufficient cause.

On or about November 2, 2022, Greystone served S [REDACTED] with a Final Notice of Disciplinary Action sustaining charges of conduct unbecoming a public employee, and

other sufficient cause and removing him on November 3, 2021. Following S■■■■'s appeal to the Civil Service Commission, it transmitted the matter to the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13, where it was filed on February 1, 2023, for determination as a contested case. Respondent filed a motion to dismiss on September 25, 2023. Appellant's counsel had difficulty locating him. On or about February 27, 2024, appellant's attorney filed a motion to be relieved as counsel. Appellant was noticed on the motion. Oral arguments were scheduled for March 8, 2024. After waiting twenty-five minutes for appellant to appear it became obvious that he would not appear at the oral argument.

FACTUAL DISCUSSION

Having reviewed the record, I **FIND** the following **FACTS**:

1. William Nash is the attorney for Appellant, B■■■■ O. S■■■■, in the above captioned cause of action. He has provided a certification in support of this Motion to be Relieved of Counsel on the above matter.
2. This matter was assigned to Nash's office for representation of Appellant, by the American Federation of State, County and Municipal Employees (AFSCME).
3. On 9/18/2023, Nash attempted to reach Appellant via his cell phone, text message and email to inform him that Respondent had filed a Motion to Dismiss his appeal for allegedly failing to appeal his placement on the Central Registry of Offenders.
4. Having not heard back from Appellant, Nash emailed Appellant on 9/25/23 10:55AM requesting that he contact his office.
5. On 9/26/2023 5:59PM, via email, Nash forwarded a copy of Respondent's Motion to Dismiss Appellant's Civil Service Appeal for allegedly failing to appeal his placement on the Central Registry of Offenders.
6. Nash was finally able to communicate with the Appellant on November 1, 2023, and had a telephone conference with him during which Nash requested specific information from him.

7. However, since November 1, 2023, Nash has not been able to reach Appellant.
8. Nash's office made the following attempts to reach Appellant:
 - a. 11/10/23 phone call - no response. Left voice mail message requesting a return call.
 - b. 11/13/23 phone call - no response. Left voice mail message requesting a return call.
 - c. 11/17/23 phone call - no response. Left voice mail message requesting a return call.
 - d. 11/22/23 phone call - no response. Left voice mail message requesting a return call.
 - e. 11/28/23 phone call - no response. Left voice mail message requesting a return call.
 - f. 12/04/23 phone call - no response. Left voice mail message requesting a return call.
 - g. 12/07/23 phone call - no response. Left voice mail message requesting a return call.
 - h. 12/08/23 phone call - no response. Left voice mail message requesting a return call.
 - i. 12/11/23 phone call - no response. Left voice mail message requesting a return call.
 - j. 01/04/24 phone call - no response. Left voice mail message requesting a return call.
 - k. 01/08/24 phone call - no response. Left voice mail message requesting a return call.
9. In addition to the above, Nash's office attempted to reach Appellant via text messenger on the below dates without any response from Appellant:
 - a. 11/14/23, text message
 - b. 11/17/23 text message
 - c. 11/27/23 text message
 - d. 12/18/23 text message
 - e. 12/21/23 text message
10. Nash's office has sent the following registered electronic mail messages to the Appellant to which there has been no response:
 - a. 11/29/23

b. 12/21/23

11. The electronic mail message of 12/21/23 informed Appellant that Nash intended to file a motion to withdraw as counsel was opened and read by Appellant on 01/11/2024 07:07 PM. (Exhibit A)
12. Nash's office sent a letter to Appellant on October 26, 2023, which was returned as undeliverable on December 18, 2023, despite having the correct address. (Exhibit B)
13. On September 19, 2023, Nash's office sent a Request for Change of Address to the Postmaster- Irvington to confirm that Appellant's last known address did not change. (Exhibit C)
14. Nash's office did not receive a response from the Postmaster-Irvington.
15. On January 4, 2024, Nash's office resubmitted the Request for Change of Address to the Postmaster-Irvington again to confirm that Appellant's last known address did not change. (Exhibit D)
16. Nash's office has not received any response from the Postmaster-Irvington and has elicited the assistance of Congressman Norcross to resolve the USPS issue. (Exhibit E)
17. In light of the above Nash requested to be relieved as counsel to appellant.
18. Appellant was notified by notice dated January 14, 2024 of Oral arguments scheduled for March 8, 2024 at the OAL.
19. Nash's office sent appellant the motion to be relieved as counsel on February 27, 2024.
20. Appellant did not appear for the oral argument. Appellant did not contact the OAL to advise of any reason that he could not appear for the oral argument. In fact, appellant has not contacted OAL at all.
21. The motion is unopposed.

LEGAL ANALYSIS AND CONCLUSION

In this matter Nash has attempted to contact appellant several times. The last contact Nash had with appellant was on November 1, 2023. Appellant has not communicated with Nash since that time, after numerous attempts by Nash to contact him.

I **CONCLUDE** Nash had provided sufficient evidence to be relieved as counsel for appellant.

I further **CONCLUDE** that this matter is no longer a contested case before OAL. Although appellant was notified of the oral argument of March 8, 2024, he failed to appear.

ORDER

Based on the foregoing findings of fact and applicable law, it is **ORDERED** that William Nash be and is hereby relieved as counsel for appellant, B██████ S██████.

It is **FURTHER ORDERED** that this matter be and is hereby **DISMISSED** due to appellant's failure to appear at the oral argument of March 8, 2023.

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.

March 12, 2024



DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

March 12, 2024

Date Mailed to Parties:

March 12, 2024

ljb