



STATE OF NEW JERSEY

In the Matter of K.E.,
Ann Klein Forensic Center,
Department of Health

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

CSC Docket No. 2024-812
OAL Docket No. CSV 11277-23

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ISSUED: MAY 1, 2024

The appeal of K.E., Senior Medical Security Officer, Ann Klein Forensic Center, Department of Health, removal, effective November 30, 2021, on charges, was before Administrative Law Judge Joan Burke (ALJ), who rendered her initial decision on March 22, 2024. No exceptions were filed.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on May 1, 2024, accepted and adopted the Conclusion as contained in the 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 1ST DAY OF MAY, 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

FAILURE TO APPEAR

OAL DKT. NO. CSV 11277-23

AGENCY DKT NO. 2024-812

**IN THE MATTER OF K [REDACTED] E [REDACTED],
ANN KLEIN FORENSIC HOSPITAL,
DEPARTMENT OF HEALTH**

K [REDACTED] E [REDACTED], Appellant, pro se

Ian Felder, Deputy Attorney General, for respondent (Matthew J. Platkin, Attorney
General of New Jersey, attorney)

Record Closed: March 15, 2024

Decided: March 22, 2024

BEFORE JOAN BURKE, ALJ:

STATEMENT OF THE CASE

Appellant, K [REDACTED] E [REDACTED], appealed a Final Notice of Discipline by respondent, Department of Health, Ann Klein Forensic Hospital, on charges of Conduct Unbecoming an Employee, N.J.A.C. 4A:2-2.3(a)6; Neglect of Duty, N.J.A.C. 4A:2-2.3(a)7; and Other Sufficient Cause, N.J.A.C. 4A:2-2.3(a)12.

BACKGROUND AND PROCEDURAL HISTORY

The Department notified appellant of its determination on September 5, 2023. Appellant filed a timely appeal. The matter was transmitted to the Office of Administrative Law (OAL), where it was filed as a contested case on October 25, 2023, pursuant to N.J.S.A. 52:14B-1 to N.J.S.A. 52:14B-15 and N.J.S.A. 52:14F-1 to N.J.S.A. 52:14F-13.

A settlement conference was conducted on December 11, 2023, before Hon. Susan M. Scarola, ALJ. The parties did not come to an agreement and the matter was not settled.

The matter was assigned to the undersigned on January 10, 2024. On January 11, 2024, a notice was issued to the parties, advising that a telephone prehearing conference would be conducted on February 8, 2024. Respondent appeared for the conference call while appellant did not appear.

On February 11, 2024, a notice was issued to the parties, advising that a status conference would be conducted on March 14, 2024. Respondent appeared for the conference call while appellant, again, did not appear. To date, appellant has not contacted the OAL concerning her failure to appear for the status conference or the prehearing 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 appellant has twice failed to appear for scheduled and noticed appearances and has not contacted the OAL concerning these failures to appear, I **CONCLUDE** that she has abandoned this matter. 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.

March 22, 2024
DATE



JOAN BURKE, ALJ

Date Received at Agency:

March 22, 2024

Date Mailed to Parties:

3/22/2024

JB/mg