



STATE OF NEW JERSEY

DECISION OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Robert Dodson,  
Atlantic City, Police Department

CSC Docket No. 2023-758  
OAL Docket No. CSR 09309-22

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ISSUED: APRIL 11, 2024

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The appeal of Robert Dodson, Police Officer, Atlantic City, Police Department, removal, effective October 2, 2022, on charges, was heard by Administrative Law Judge Kathleen M. Calememo (ALJ), who rendered her initial decision on March 14, 2024, reversing the removal. 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 (Commission), at its meeting on April 10, 2024, adopted the ALJ’s Findings of Facts and Conclusions and her recommendation to reverse the removal.

The Commission makes only the following comments. The appellant’s expert witness provided uncontradicted testimony, to a reasonable degree of scientific certainty, that the appellant’s disclosed use of the over-the-counter supplement was the most logical source of his positive drug test. The ALJ also determined that the labeling would not have made it clear to the appellant that the supplement would metabolize to a prohibited substance. Accordingly, the Commission agrees with the ALJ’s determinations regarding the charges and that the appellant’s removal should be reversed.

Since the removal has been reversed, the appellant is entitled to be reinstated. Normally, the appellant would also be entitled to mitigated back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10* from the initial date of separation without pay until the date of actual reinstatement. However, in the initial decision, the ALJ indicated that the appellant had been returned to pay status on or before August 24, 2023, pursuant to *N.J.S.A. 40A:14-201*. The appellant, therefore, will have already

received any pay that he would be entitled to from that date forward until his reinstatement, and, as he was in pay status, he should also receive any concomitant benefits and seniority for that timeframe. *See also*, *N.J.A.C.* 4A:2-2.10(d)5. For any period from the date of first separation that he was not in pay status, he is entitled to mitigated back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10. Additionally, as he has prevailed in this matter, he is entitled to reasonable counsel fees per *N.J.A.C.* 4A:2-2.12.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, in light of the Appellate Division's decision, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay or counsel fees are finally resolved. In the interim, as the court states in *Phillips, supra*, upon receipt of this decision, the appointing authority shall immediately reinstate the appellant.

#### ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was not justified. The Commission therefore reverses that action and grants the appellant's appeal.

The Commission orders that the appellant be immediately reinstated to his permanent position and receive back pay, benefits, and seniority from the first date of separation for any period he was not in pay status pursuant to *N.J.S.A.* 40A:14-201. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C.* 4A:2-2.10. Proof of income earned, and an affidavit of mitigation shall be submitted by or on behalf of the appellant to the appointing authority for any period he was not in pay status within 30 days of issuance of this decision.

The Commission further orders that counsel fees be awarded to the attorney for the appellant pursuant to *N.J.A.C.* 4A:2-2.12. An affidavit of services in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

Pursuant to *N.J.A.C.* 4A:2-2.10 and *N.J.A.C.* 4A:2.12, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay and counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay or counsel fee dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay or counsel fees within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been

amicably resolved by the parties and this decision shall become a final administrative determination pursuant to R. 2:2-3(a)(2). After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 10<sup>TH</sup> DAY OF APRIL, 2024



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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**

OAL DKT. NO. CSR 09309-2022

AGENCY DKT. NO. N/A

2023-758

**IN THE MATTER OF ROBERT DODSON,  
CITY OF ATLANTIC CITY.**

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**Stuart J. Alterman, Esq.**, for appellant Robert Dodson (Alterman & Associates, LLC,  
attorneys)

**Steven S. Glickman, Esq.**, for respondent City of Atlantic City, (Ruderman & Roth,  
LLC, attorneys)

Record Closed: January 29, 2024

Decided: March 14, 2024

**BEFORE KATHLEEN M. CALEMMO, ALJ**

**STATEMENT OF THE CASE**

Appellant, Robert Dodson (Dodson), a lieutenant with the Atlantic City Police Department (ACPD), appealed his termination for testing positive to an anabolic steroid on a random drug test.

**PROCEDURAL HISTORY**

On May 23, 2022, respondent City of Atlantic City (Atlantic City) issued a Preliminary Notice of Disciplinary Action (PNDA) charging Dodson with conduct unbecoming a public employee and other sufficient cause, including violations of certain

ACPD rules and regulations, and recommending Dodson's termination. On August 30, 2022, a departmental hearing was conducted, and on September 19, 2022, a hearing officer upheld Dodson's termination. On September 27, 2022, Atlantic City issued a Final Notice of Disciplinary Action (FNDA) terminating Dodson from his position as a police officer. On October 19, 2022, Dodson filed a direct filing removal appeal to the Office of Administrative Law (OAL). N.J.S.A. 40A:14-202(d). The appeal was perfected on October 13, 2022.

By agreement of the parties, the respondent filed a motion for summary decision. On April 11, 2023, the Honorable Edward J. Delanoy, Jr., Deputy Director and ALAJ issued an Order Denying Motion for Summary Decision.

Thereafter on April 17, 2023, the matter was assigned to me. Atlantic City returned Dodson to pay status on or before August 24, 2023. The hearing was held on August 24, 2023. After the hearing, the parties requested time to order a transcript and submit written closing summations. I closed the record on January 29, 2024, after receipt of the last brief.

### **FACTUAL DISCUSSION**

The following is not in dispute, and is therefore **FOUND** as **FACT**:

Dodson has been a member of the ACPD since December 1999. He held the rank of lieutenant. Dodson is also a master sergeant in the New Jersey International Guard, where he has been a member for thirty-three years.

Mandatory random urine tests are required by the ACPD and the military. Dodson had never previously tested positive on any urine test.

In the FNDA, Atlantic City sustained violations of the ACPD's General Order, Volume 1, Chapter 2 – Rules and Regulations Section 3:1.1, Standards of Conduct and 3:1-11, Obedience to Laws and Regulations. (R-1.)

3:1.1- Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

3:1-11-Employees shall observe and obey all laws and ordinances, all rules and regulations and orders of the department. Additionally, entering into pretrial intervention (PTI) and other diversionary programs will be considered an admission of wrongdoing and a violation of this section.

Atlantic City also sustained violations of the ACPD's General Order, Volume 2, Chapter 29 – Drug Testing VII., Section C, Consequences of a Positive Result (1-4). (R-1.) Section C applies when an officer tests positive for illegal drug use:

1. The officer shall be immediately suspended from all duties.
2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of state Police.
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

On December 22, 2021, Dodson was selected for a random drug test. Dodson signed the Officer Notice and Acknowledgement that stated he would be terminated from employment if he produced a positive test result. (R-5b.) As part of the drug testing procedure, Dodson completed the Drug Testing Medication Information. (R-5c.) Dodson listed his prescribed medications as follows: Testosterone Cypionate, HCG, and Anastrozole. Due to a medical condition, Dodson is prescribed a testosterone replacement therapy. (R-5g.) Dodson also listed all the vitamins, protein powders, and supplements that he takes on a regular basis, including DMZ. Ibid.

The Toxicology Report, dated February 3, 2022, stated as follows: "Positive T/E ratio listed on medication sheet: Methasterone &/or metabolite not listed." (R-5d.) An Amended Toxicology Report was issued on March 4, 2022, which included the following: "Methasterone is a synthetic anabolic endrogenic steroid which was never marketed for medical use. DMZ contains dymethazine with is a methylated prohormone similar to Methasterone." (R-5h.) As stated in the specifications of the FNDA, Atlantic City terminated Dodson's employment due to the results of the Toxicology Report issued on March 4, 2022, that indicated the presence of steroids, specifically Methasterone and/or metabolite. (R-1.)

### **EXPERT TESTIMONY**

**Gary L. Lage, Ph.D.** (Dr. Lage) testified as an expert in the field of pharmacology and toxicology (R-15) for appellant and authored a report, dated July 22, 2022. (P-14.)

The toxicology report from Redwood Laboratory showed that Dodson had an elevated T/E Ratio, testosterone epi-testosterone with a cutoff of six nanograms per milliliter and a positive level for Methasterone and/or it's metabolites with a cutoff of two nanograms per milliliter.

According to Dr. Lage, an elevated T/E Ratio is consistent with an external source of testosterone. Dodson's prescription for Testosterone Cypionate explained the elevated T/E Ratio in his urine sample. (R-5C.)

Methasterone is an anabolic steroid. Dymethazine consists of two molecules of Methasterone connected by an azide bridge. Under non-prescribed medications, Dodson disclosed that he takes a supplement, DMZ, which is sold in stores without a prescription. Chemically DMZ contains dymethazine. Dr. Lage reviewed the DMZ bottle and noted that there were no warnings on the bottle pertaining to Methasterone. (R-6.) The ingredients listed on the bottle of DMZ were "10 milligrams of 17beta-hydroxy-2alpha, 17beta-dimethyl, 5alpha-androstan 3-one azine." Ibid. Dr. Lage understood the description as the chemical name for Dymethazine which did not appear on the bottle.

The Redwood Laboratory toxicology report stated that Dodson's urine was positive for Methasterone and/or metabolites. Dr. Lage explained that when a foreign chemical is ingested, the body attempts to get rid of it. Most drugs are fat or lipid soluble. The process known as metabolism is when the body converts the chemical to something more water soluble so it can be excreted in the urine. Dr. Lage's research showed that Methasterone can be metabolized in the body producing fifteen different metabolites.

The Redwood Laboratory's Amended Toxicology Report stated that "Methasterone is a synthetic anabolic androgenic steroid which is never marketed for medical use. DMZ contains dymethazine which is a methylated prohormone similar to Methasterone." (R-5.) According to Dr. Lage, the Medical Review Officer, Dr. Falzon, did not specifically identify what chemical was found in Dodson's urine. By using "and/or" Dr. Falzon did not say that the chemical was specifically Methasterone or one of its fifteen metabolites. According to Dr. Lage's research, after use of products like DMZ, a positive level of Methasterone and/or metabolites can be detected in the urine for up to ten days. In his report, Dr. Lage wrote, "DMZ is an available supplement that metabolizes to Methasterone, and Lt. Dodson would not have known that." (P-14.)

DMZ is sold legally in stores. The product information only contained the chemical formula for dymethazine. Supplements are not regulated by the Food and Drug Administration (FDA). However, Dr. Lage noted that there is nothing unlawful about a supplement containing dymethazine. The only information in very small print on the label on the bottle of DMZ<sup>1</sup> was that "[t]his product may elevate hormone serum levels which could produce a positive steroid or positive result if you are subject to steroid testing." (R-6.)

Dr. Lage testified to a reasonable degree of scientific certainty that Dodson's disclosed use of DMZ was the most logical source of his positive drug test. Use of DMZ would produce the positive result reported.

Dr. Falzon did not testify in this matter.

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<sup>1</sup> Two bottles of DMZ were produced and entered into evidence. (P-21.) I attempted to read the warning information imprinted on the bottles and was unable to do so without magnification.



**TESTIMONY**

**Robert Dodson** was hired by the ACPD in December 1999 as a patrol officer. In 2012, he was promoted to sergeant and in 2017, he was promoted to lieutenant. He received several commendations for bravery and lifesaving. Dodson's only prior discipline had been a written warning and remedial training. Dodson is also a master sergeant in the New Jersey International Guard and has been a member for thirty-three years. Dodson was deployed to Afghanistan in 2002, and Iraq in 2010.

Due to a medical condition, Dodson is prescribed a testosterone replacement therapy that consists of three drugs: Testosterone Cypionate, Pregnyl, and Anasterol. Dodson listed his three medical prescriptions, plus his daily vitamins, protein powders, and supplements that he takes on a regular basis on the drug testing medication sheet. (R-5C.)

For over twenty years, Dodson purchased protein powders, vitamins, and supplements at Rock Bottom Supplements located next to the gym where he regularly exercises. The store is small and independently owned.

When Dodson changed his workout time to early morning, he wanted something in place of caffeine. The store manager recommended DMZ. Because Dodson was a frequent customer, the store manager knew his background as a police officer and a member of the military.

On the morning of the random drug test, Dodson went straight from the gym to the office. He had no concerns about providing a urine sample. Dodson stated that he has never taken a banned substance. After the positive test, Dodson voluntarily submitted to a polygraph test on his own initiative. Dodson called his doctor to discuss his prescriptions and immediately stopped taking his vitamins and supplements. He had no idea what caused the positive result. After learning that it was linked to DMZ, he discontinued using DMZ. Until this positive drug test, Dodson had never heard of Methasterone or Dymethazine.

Dodson was not aware of any policy from the ACPD that required him to investigate legally purchased supplements. Dodson was close to retirement, and he testified that he would never do or take anything to jeopardize his career with the ACPD or the military.

**Stacy Schlachter** is the IA commander captain for the City of Pleasantville's Police Department. She has been an officer there for twenty-four years. She's had various assignments, including undercover narcotics work. Dodson is her fiancé.

Due to her police work, Schlachter believed she could identify someone who was using illicit drugs. She is also familiar with how anabolic steroids affect individuals. She has never noticed anything about Dodson's behavior or demeanor which would make her suspicious that he was using illegal drugs. Some symptoms of steroid use are acne, retaining water, aggression, mood swings, and a bulkier physical frame. Dodson has been the same weight and temperament for the eight years they have been together.

**Bridget Pierce** is the deputy chief of Investigations for the ACPD. She is a twenty-eight-year veteran of the force. She has worked with Dodson for over twenty years. Pierce described Dodson as her go to person for high-risk assignments. He is dependable, organized, and honest. Pierce was completely surprised by Dodson's positive test result. In her experience, people who experiment with steroids have a bigger body mass and become short tempered. She never observed any of those characteristics with Dodson.

### **ADDITIONAL FINDINGS**

Based upon due consideration of the unrefuted testimonial and documentary evidence presented at the hearing and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following as **FACTS**:

Dodson legally purchased DMZ, a supplement recommended to him by the manager of the store where he had been buying protein powder, vitamins, and supplements for over twenty years. There was nothing about the DMZ bottle that should have alerted Dodson that it contained illegal steroids. Only the chemical formula was

imprinted on the bottle. There is nothing to suggest that Dodson would understand that the chemical formula meant dymethazine or that dymethazine metabolized to Methasterone. The DMZ bottle contained the following warning, “[t]his product may elevate hormone serum levels which could produce a positive steroid or positive result if you are subject to steroid testing.” (R-6.) This warning was barely readable and not prominently placed on the bottle. (R-21.) The supplement was purchased and sold legally.

Dodson accurately disclosed his prescription and non-prescription medications, prior to providing his urine sample. Dodson disclosed using DMZ, which he took as a supplement prior to his early morning workouts. The unrefuted expert testimony of Dr. Lage linked Dodson’s use of the legal supplement, DMZ, to his positive test result for Methasterone and/or metabolites.

Character witness testimony is afforded no weight in determining whether Dodson ingested a prohibited substance. However, the testimony from two fellow officers about Dodson’s character and temperament supported Dr. Lage’s opinion that Dodson’s disclosed use of DMX was the only logical and plausible explanation for his positive test result.

### **LEGAL ANALYSIS AND CONCLUSION**

A civil service employee’s rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an inducement to attract qualified individuals to public service positions and is to be liberally construed toward attainment of merit appointments and broad tenure protections. Essex Council No. 1, N.J. Civil Serv. Ass’n v. Gibson, 114 N.J. Super. 576, 581 (Law Div. 1971), rev’d on other grounds, 118 N.J. Super. 583 (App. Div. 1972) (citing Mastrobattista v. Essex Cnty. Park Comm’n, 46 N.J. 138, 145, 147 (1965)).

A civil service employee who commits a wrongful act related to their employment may be subject to discipline, which may be a reprimand, suspension, or removal from employment, depending upon the incident. N.J.S.A. 11A:1-2, 11A:2-20; N.J.A.C. 4A:2-2.

Public entities should not be burdened with an employee who fails to perform their duties satisfactorily or engages in misconduct related to their duties. N.J.S.A. 11A:1-2(a). Thus, a public entity may impose major discipline upon a civil service employee, including termination/removal from their position. N.J.S.A. 11A:1-2; N.J.A.C. 4A:2-2.2.

The appointing authority employer has the burden of proof to establish the truth of the disciplinary action brought against a civil service employee. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is by a preponderance of the credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); see Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). Evidence is considered to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). The evidence must "be such as to lead a reasonably cautious mind to the given conclusion." Bornstein v. Metro Bottling Co., 26 N.J. 263, 275 (1958).

In the case at bar, appellant was determined to have violated:

N.J.A.C. 4A:2-2.3(a)—General causes:

- (6) Conduct unbecoming a public employee; and
- (12) Other sufficient cause—specifically Atlantic City Police Department General Order Volume 1, Chapter 2, Rules and Regulations – 3:1.1 and 3:11, and Volume 2 Chapter 29- Drug testing VII., Sect. C.

**N.J.A.C. 4A:2-2.3(a)(6)—Conduct Unbecoming a Public Employee**

Conduct unbecoming a public employee is an elastic phrase that encompasses conduct that "adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services." Karins v. City of 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)). Suspension or removal may be justified where the misconduct occurred while the employee was off duty. In re Emmons, 63 N.J. Super. at 140.

Appellant’s status as a police officer subjects him to a higher standard of conduct than an ordinary public employee. In re Phillips, 117 N.J. 567, 576–77 (1990). Law-enforcement employees represent “law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public.” Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966). In military-like settings such as police departments and prisons, it is of paramount importance to maintain strict discipline of employees. Rivell v. Civil Serv. Comm’n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971); Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967).

Dodson was charged with violating the following General Rules and Regulations of the ACPD:

3:1.1 - Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

3:11 - Employees shall observe and obey all laws and ordinances, all rules and regulations and orders of the department.

Dodson disclosed the supplement he used for his workouts prior to submitting to his random drug test. Dodson was unaware that DMZ contained dymethazine or that dymethazine metabolized to Methasterone. The legal supplement’s connection to Methasterone was only made by Dodson’s expert witness, Dr. Lage, an expert in toxicology and pathology. His scientific opinions were not refuted. The facts are undisputed that Dodson legally purchased DMZ from a reputable store without knowledge

that it contained Methasterone and/or metabolites. I note that Dr. Falzon, who did not testify, amended the toxicology report to note that "Methasterone is a synthetic anabolic endrogenic steroid which was never marketed for medical use." (R-5.) It is unclear from the record whether Dr. Falzon's comment was interpreted by the ACPD to mean that there was no explanation for the positive finding of Methasterone on Dodson's disclosures. Such an interpretation failed to recognize and account for Dodson's disclosure of DMZ as a non-prescription medication supplement. According to the unrefuted testimony of Dr. Lage, "DMZ is an available supplement that metabolizes to Methasterone, and Lt. Dodson would not have known that." (P-14.)

The ACPD produced no evidence of any training given to its officers with respect to chemicals contained in nutritional supplements. There was nothing obvious on the bottle of DMZ to alert Dodson of the drug Methasterone. (P-21.) Thus, I cannot **FIND** that Dodson's training should have alerted him to refrain from ingesting DMZ, a legally purchased supplement.

Respondent argued in its summation brief that Dodson could have purchased a legal over-the-counter supplement to mask the use of a prohibited substance. No evidence was presented to support this theory. Dr. Lage's expert testimony that DMZ metabolizes to Methasterone provided a plausible explanation for the positive result that was uncontroverted. In this instance, Dodson's history of over twenty years of providing clean random drug tests for both the ACPD and the military show Dodson's integrity regarding this process. Dodson also showed his integrity by his full and accurate disclosures before providing his urine sample as required by ACPD policy.

Based on the preponderance of the evidence, I **CONCLUDE** that respondent Atlantic City has not established that Dodson's legal purchase of the supplement DMZ violated any of its Rules and Regulations. Respondent has not shown how Dodson's legal purchase of a supplement, without any prominent warnings, to aide in his morning workouts had the tendency to bring disrepute to the ACPD. Moreover, there is no known Rule or Regulation pertaining to the legal purchase of supplements.

For the foregoing reasons, I **CONCLUDE** that the respondent Atlantic City has not established by a preponderance of credible evidence that Dodson's use of the supplement DMZ was a violation of N.J.A.C. 4A:2-2.3(a)(6)—conduct unbecoming a public employee.

**N.J.A.C. 4A:2-2.3(a)(12)—Other Sufficient Cause**

Dodson has been charged with other sufficient cause, specifically, violations of the General Order Volume 1, Chapter 2, 3:1.1 and 3.11 and Volume 2, Chapter 29 – Drug Testing VII., Sect. C.

Having concluded that Dodson's positive random drug test resulted from his ingestion of DMZ, a legally purchased supplement, I similarly **CONCLUDE** that Dodson's positive test result did not constitute a violation of the ACPD's drug testing policy or its General Rules and Regulations. Thus, I **CONCLUDE** that the respondent Atlantic City has not established that Dodson violated N.J.A.C. 4A:2-2.3(a)(12)—other sufficient cause.

Accordingly, I **CONCLUDE** that the respondent Atlantic City has not established by a preponderance of the credible evidence the charges against Dodson contained in the FNDA.

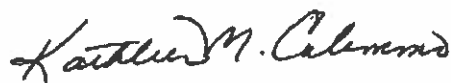
**ORDER**

It is hereby **ORDERED** that the disciplinary action of the respondent, City of Atlantic City, Department of Public Safety, in removing appellant, Robert Dodson, from his position as a Police Lieutenant, is **REVERSED**. It is further **ORDERED** that appellant be reinstated with back pay, along with any other accompanying employment benefits.

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. 40A:14-204.

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 14, 2024

DATE

\_\_\_\_\_  
KATHLEEN M. CALEMMO, ALJ

Date Received at Agency:

March 14, 2024 (via email)

Date Mailed to Parties:

March 14, 2024 (via email)

KMC/tat



**APPENDIX**

**WITNESSES**

**For appellant**

Robert Dodson  
Gary Lage, Ph.D.  
Stacey Schlachter  
Bridget Pierce

**For respondent**

None

**EXHIBITS**

**For appellant**

- P-1 Immediate Suspension Notice
- P-3 IA Complaint after Loudermill Hearing
- P-7 Store Photo – Purchase of DMZ
- P-8 Online Store – Purchase of DMA
- P-9 Website to Run Search Ingredients of health supplements
- P-11 Captain Herrerias letter dated February 16, 2022, to State Toxicology Laboratory seeking clarification
- P-14 Report of Dr. Lage
- P-14 CV of Gary Lage, Ph.D.
- P-16 Polygraph examination report
- P-20 Receipt for purchase of DMZ
- P-21 Bottles of DMZ

**For respondent**

- R-1 FNDA
- R-2 PNDA
- R-3 Rules and Regulations
- R-4 Drug Testing
- R-5 Internal Affairs Report – subparts a through h
- R-6 Photographs of DMZ Bottle