



## STATE OF NEW JERSEY

In the Matter of William Johnson,  
Irvington

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2022-1225

Administrative Appeal

**ISSUED: February 26, 2025 (AMR)**

William Johnson, a Sewer Repairer Supervisor, Irvington, represented by Samuel Tsinman, Esq., requests to reinstate the appeal of his removal, effective November 10, 2021, which was dismissed on the basis of his failure to appear at the June 7, 2024, prehearing telephone conference at the Office of Administrative Law (OAL).

By way of background, the appellant timely appealed his removal to this agency which transmitted the matter to the OAL as a contested case. The OAL scheduled the matter for a prehearing telephone conference on June 7, 2024, and sent a notice, dated May 17, 2024, to this effect to the appellant's attorney and the attorney representing Irvington. On the scheduled date, the appellant and his 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 June 14, 2024, 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 his appeal, the appellant's attorney indicates that neither he nor the appellant appeared as a result of his not receiving the aforementioned May 17, 2024 notice by email. The attorney asserts that the email inadvertently went into his spam inbox. Therefore, he did not receive the notice and was only notified of the failure to appear after the appellant received a letter from the OAL on June 14, 2024, stating that his case was sent back to the Commission.

Despite being provided the opportunity, Irvington did not file an objection to the appellant's request.

### CONCLUSION

In this matter, the appellant's attorney indicates that the May 17, 2024 email containing the notice to appear for the prehearing telephone conference arrived in a spam folder and thus, he was unaware of the June 7, 2024 scheduled date. 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. As such, since the appellant does not bear any individual responsibility for his failure to appear at the prehearing telephone conference on June 7, 2024, it would be unfair not to permit him to pursue his statutory right to challenge his removal.

Accordingly, the Commission finds that, under the circumstances presented in this matter, to deny the appellant a hearing on the merits of his disciplinary action would be unjust. However, the Commission advises the appellant and his attorney to make any necessary changes to ensure that email correspondence from the OAL or the Commission is properly monitored so that this situation can be avoided in the future.

### ORDER

Therefore, it is ordered that William Johnson's request to reinstate his appeal be granted and the matter be transmitted to the OAL for further proceedings.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 26<sup>TH</sup> DAY OF FEBRUARY, 2025




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