



STATE OF NEW JERSEY

In the Matter of Angel Soto, Jersey
City, Department of Public Works

CSC DKT. NO. 2025-697
OAL DKT. NO. CSV 04075-25

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CORRECTED DECISION

ISSUED: APRIL 30, 2025

The appeal of Assistant Supervising Mechanic, Jersey City, Department of Public Works, 10 working day suspension, on charges, was before Administrative Law Judge Matthew G. Miller (ALJ), who rendered his initial decision on April 3, 2025. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting of April 30, 2025, accepted the recommendation as contained in the attached ALJ's initial decision to dismiss the appeal for lack of jurisdiction.

ORDER

The Civil Service Commission dismisses the appeal of Angel Soto with prejudice.

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 30TH DAY OF APRIL, 2025

Allison Chris Myers

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

DISMISSAL

OAL DKT. NO. CSV 04075-25

AGENCY DKT. NO. 2025-697

**IN THE MATTER OF ANGEL SOTO, CITY OF
JERSEY CITY, DEPARTMENT OF PUBLIC
WORKS.**

Angel Soto, pro se

**John Barone, Esq., Assistant Corporation Counsel, for respondent, City of Jersey
City, Department of Public Works (Peter Baker, Corporation Counsel,
Jersey City Law Department attorney)**

Record Closed: March 31, 2025

Decided: April 3, 2025

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner appeals the determination by respondent, City of Jersey City, Department of Public Works to impose a ten working day suspension effective September 16, 2024, for 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), N.J.A.C. 4A:2-2.3(a)(7) (neglect of duty), N.J.A.C. 4A:2-2.3(a)(8) (misuse of public property, including motor vehicles) and N.J.A.C. 4A:2-2.3(A)(12) (other sufficient cause).

The suspension was actually served commencing January 13, 2025.

The matter was transmitted to the Office of Administrative Law ("OAL") on February 25, 2025, for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to-15; N.J.S.A.52:14F-1 to -13. A telephonic prehearing conference was originally scheduled for March 24, 2025, but was adjourned due to a scheduling conflict and was rescheduled for March 31, 2025.

In the interim, respondent, on March 28, 2025 issued an Amended Final Notice of Disciplinary Action ("FNDA") reducing petitioner's suspension from ten working days to five working days. (C-1.) In conjunction with the reduction in the suspension, respondent requested that this appeal be dismissed for lack of jurisdiction. (C-2.)

FACTUAL FINDINGS AND LEGAL CONCLUSION

At the request of the Court, counsel for respondent submitted documentation certifying that this was the one and only suspension served by Mr. Soto in either 2024 and/or 2025, that the cumulative number of days of any suspensions served by him in 2024 and/or 2025 was less than fifteen and that petitioner would receive all required back pay and benefits for the five "extra" days of suspension that he served. (C-3.)

A telephone conference was then held on March 31, 2025 during which the entire process was explained to Mr. Soto, including that he maintained his right to appeal/file a grievance for the remaining days of his suspension.

Per N.J.A.C. 4A:2-2.9(b):

Major discipline hearings will be heard by the Commission or referred to the Office of Administrative Law for hearing before an administrative law judge, except that an appeal by certain law enforcement officers or firefighters of a removal shall be heard as provided in N.J.A.C. 4A:2-2.13. Minor discipline matters will be heard by the Commission or referred to the Office of Administrative Law for a hearing before an administrative law judge for an employee's last suspension or

fine for five working days or less where the aggregate number of days the employee has been suspended or fined in a calendar year, including the last suspension or fine, is fifteen working days or more, or for an employee's last suspension or fine where the employee receives more than three suspensions or fines of five working days or less in a calendar year. See, N.J.A.C. 1:1 for OAL hearing procedures.

Since the new FNDA reduced petitioner's suspension to five days, it is now considered "minor discipline". Since the petitioner has only received this single suspension and the aggregate of his suspensions is less than fifteen days, this matter is no longer subject to the jurisdiction of the OAL. This interpretation of the Code was affirmed in In the Matter of Young, 471 N.J. Super. 169, 182 (App. Div. 2022), which reads in pertinent part:

We conclude the Department permissibly exercised its inherent discretion in reducing Young's penalty to a five-day suspension, thereby divesting the Commission of jurisdiction under the Act and its accompanying regulations, and eliminating the right to a hearing before the OAL on the resulting minor disciplinary action. See Peper v. Princeton Univ. Bd. of Trs., 77 N.J. 55, 65, 389 A.2d 465 (1978) (reiterating the well-established principle "that a court cannot hear a case as to which it lacks subject matter jurisdiction even though all parties thereto desire an adjudication on the merits"); see also Murray v. Comcast Corp., 457 N.J. Super. 464, 470, 201 A.3d 96 (App. Div. 2019). Having conducted a *de novo* review of the record and governing legal principles, L.A., 221 N.J. at 204, 110 A.3d 914, we are satisfied the Commission properly upheld the ALJ's initial decision, dismissing Young's complaint on summary decision for lack of subject matter jurisdiction.

Id. at 182-83.

Given my review of the FNDA, Certification, Administrative Code and law, I **FIND** that the OAL no longer has jurisdiction in this matter.

Therefore, it is hereby **ORDERED** that petitioner's appeal be and is hereby **DISMISSED** with prejudice for lack of jurisdiction.

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 Merit System Board does not adopt, modify or reject this decision within forty five (45) 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.



April 3, 2025

DATE

MATTHEW G. MILLER, ALJ

Date Received at Agency:

April 3, 2025

Date Mailed to Parties:

April 3, 2025

MM/sej

APPENDIX

EXHIBITS:

- C-1 Amended Final Notice of Disciplinary Action ("FNDA")
- C-2 Letter requesting that this appeal be dismissed for lack of jurisdiction
- C-3 Letter certifying that this was the one and only suspension served by Mr. Soto in either 2024 and/or 2025.