



STATE OF NEW JERSEY

In the Matter of Carmen Sexton, New
Jersey State Prison, Department of
Corrections

CSC Docket No. 2017-4081
OAL Docket No. CSV 10730-17

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

ISSUED: NOVEMBER 26, 2025

The appeal of Carmen Sexton, Correctional Police Sergeant, New Jersey State Prison, Department of Corrections, 120 working day suspension and demotion, on charges, was before Administrative Law Judge Tricia M. Caliguire (ALJ), who rendered her initial decision dismissing the matter as moot on October 28, 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 (Commission), at its meeting on November 26, 2025, affirmed the ALJ's determination to dismiss the appeal. However, the Commission did not dismiss the matter as moot. Rather, the Commission dismissed the matter for the appellant's lack of pursuit.

In her initial decision, the ALJ dismissed the matter as moot. Initially, she indicated that, based on the motion filed by the appointing authority, she sent notice to the appellant for response. After receiving no response, regarding the merits of the appointing authority's motion, the ALJ found:

When this matter was filed, in 2017, appellant was an active member of the New Jersey State Prison workforce. As of April 16, 2025, she has been removed from her position on a permanent basis, making this matter – an appeal of a 120-days suspension – moot. Even if I were to find insufficient the allegations supporting respondent's decision to suspend Sexton, there is no relief that I can grant, as she is no longer employed by respondent.

Based on the foregoing, I **CONCLUDE** that Sexton's appeal should be dismissed with prejudice because the issues raised by that appeal are now moot.

While the Commission agrees this matter should be dismissed, it disagrees that it is moot. In this regard, notwithstanding that the appellant is no longer employed with the appointing authority, if the underlying suspension and demotion were reversed or modified, she would be entitled to, *inter alia*, back pay. However, given the record indicates that the appellant did not respond to the notice on the motion, the ALJ ascertained no attempt from the appellant to continue to pursue the matter, and the appellant did not file exceptions to the initial decision, the Commission finds that this matter should be dismissed with prejudice for failure to pursue.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending and demoting the appellant was justified. The Commission therefore upholds those actions and dismisses the appeal of Carmen Sexton 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 26TH DAY OF NOVEMBER, 2025



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

OAL DKT. NO. CSV 10730-17

AGENCY DKT. NO. 2017-4081

**IN THE MATTER OF CARMEN SEXTON,
NEW JERSEY STATE PRISON,
DEPARTMENT OF CORRECTIONS.**

Carmen Sexton, appellant, pro se¹

Rebecca Solano, Legal Specialist, for respondent New Jersey State Prison,
Department of Corrections, pursuant to N.J.A.C. 1:1-5.4(a)(2)

Record Closed: October 21, 2025

Decided: October 28, 2025

BEFORE TRICIA M. CALIGUIRE, ALJ:

¹ Most recently, appellant was represented by Charles Tucker, Jr., Esq., of Tucker Moore Group, LLP, a member of the Maryland Bar, admitted pro hac vice pursuant to the N.J.A.C. 1:1-5.2(a). The local attorney of record was John Gregory Smith, Esq., of Greg Smith, Esq. Inc. Neither Mr. Tucker nor Mr. Smith has responded to communications (email, regular mail, or certified mail) since August 29, 2025, and all forms of communication sent to both have been returned.

STATEMENT OF THE CASE

Appellant Carmen Sexton appeals the decision of respondent, New Jersey State Prison, Department of Corrections (NJDOC), to suspend her for 120 working-days and demote her from the position of Correction Sergeant to the position of Senior Correction Officer, because of actions Sexton allegedly took and directed during an incident involving an inmate at the New Jersey State Prison, Trenton, New Jersey on October 5, 2016.

PROCEDURAL HISTORY AND FACTUAL FINDING

On October 28, 2016, NJDOC issued a Preliminary Notice of Disciplinary Action (PNDA) to Sexton, charging her with: (1) incompetency, inefficiency or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); (2) neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); (3) other sufficient causes pursuant to N.J.A.C. 4A:2-2.3(a)(12); (4) neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property in violation of HRB 84-17.B.2; (5) serious mistake due to carelessness which may result in danger or injury in violation of HRB 84-17.B.8; (6) incompetence or inefficiency in violation of HRB 84-17.B.9; (7) inappropriate treatment of an inmate in violation of HRB 84-17.C.5; (8) violation of procedures and/or regulations involving safety and security pursuant to HRB 84-17.D.7; (9) failure to use safety devices in violation of HRB 84-17.D.16; and (10) violation of rule, regulation, policy, procedure order or administrative decision pursuant to HRB 84-17.E.1.

Sexton requested a departmental hearing, which was held on June 6, 2017. On June 22, 2017, NJDOC issued a Final Notice of Disciplinary Action (FNDA) to Sexton, sustaining all charges against her, with notice that she would be suspended from employment for 120 working-days and would be demoted from the position of Correction Sergeant to the position of Senior Correction Officer. Sexton requested a fair hearing on June 27, 2017, and the Civil Service Commission transmitted this matter on July 25, 2017, to the Office of Administrative Law (OAL), which filed it for determination as a contested

case on July 31, 2017, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

While the hearing in this matter was originally scheduled for June 4, 5, and 6, 2018, prior to the hearing, respondent filed a motion for summary decision. On July 16, 2018, I denied respondent's motion and directed the parties to appear for hearing on August 15 and 16, 2018.

At the request of respondent, the hearing was adjourned and rescheduled for November 7 and 9, 2018. On October 24, 2018, I received a letter from the Office of the Mercer County Prosecutor advising me that the incident at the subject of this matter was under review for potential criminal prosecution and requesting that this proceeding be stayed for at least thirty days. Accordingly, the November 2018 hearings were adjourned and rescheduled twice. On February 12, 2019, Sexton was arrested on second degree weapons charges by the Hamilton Township Police Department and, as a result, NJDOC suspended Sexton without pay and issued a PNDA recommending that Sexton be removed from employment.

The NJDOC requested that this matter be placed on the inactive list pending the conclusion of the intervening removal action, pursuant to N.J.A.C. 1:1-9.7(a). Over Sexton's objections, eleven orders of inactivity were entered, through September 22, 2025.

On August 29, 2025, counsel for respondent sent me the FNDA issued to Sexton on April 16, 2025, by which Sexton was removed from her position of senior correctional police officer. Counsel stated that Sexton did not appeal the FNDA and the time to do so had passed. Accordingly, respondent contends that this matter is now moot and requests that it be dismissed with prejudice. Counsel for Sexton did not respond to the August 29, 2025, email.

On September 4, 2025, I sent a letter by email to appellant's counsel of record and provided Sexton ten days to notify me, by letter or email to my judicial support specialist, if she wished to be heard on the mootness claim.² No response to this letter was received.

On September 22, 2025, with the expiration of the last inactivity order, a status conference was scheduled with a toll-free call-in number, notice of which was sent to the parties on March 27, 2025. Respondent appeared but appellant did not.

On September 4, 2025, a letter was sent directly to appellant Sexton by email and certified mail, requesting her to notify my chambers if she wished to be heard on the mootness claim. On September 15, 2025, letters were sent to Sexton's counsel by certified mail. On October 10, 2025, the letter to Smith, local counsel, was returned as undeliverable. On October 21, 2025, the letter to Sexton was returned as undeliverable.

I **FIND** that reasonable attempts to contact appellant Sexton have been made and there is no evidence that she intends to continue her appeal or to contest respondent's motion to dismiss for mootness.³

LEGAL ANALYSIS AND CONCLUSION

An action is moot when the decision sought "can have no practical effect on the existing controversy." Redd v. Bowman, 223 N.J. 87, 104 (2015). For reasons of judicial economy and restraint, it is appropriate to refrain from decision-making when an issue presented is hypothetical, judgment cannot grant effective relief, or the parties do not have a concrete adversity of interest. Anderson v. Sills, 143 N.J. Super. 432, 437 (Ch. Div. 1976); Fox v. Twp. of E. Brunswick Bd. of Educ., EDU 10067-98, Initial Decision (March 19, 1999), aff'd, Comm'r (May 3, 1999), <https://njlaw.rutgers.edu/collections/oal/>;

² All communications with appellant's counsel have been conducted via email since 2020.

³ Earlier in this proceeding, Sexton contacted me directly by letters. The most recent was dated July 17, 2020, when she reported that she was handling this matter pro se, until new counsel could be retained. In essence, she knows how to reach me.

J.L. and K.D. ex rel. J.L. v. Harrison Twp. Bd. of Educ., 2014 N.J. AGEN LEXIS 60, Final Decision (January 28, 2014).

When this matter was filed, in 2017, appellant was an active member of the New Jersey State Prison workforce. As of April 16, 2025, she has been removed from her position on a permanent basis, making this matter – an appeal of a 120-days suspension – moot. Even if I were to find insufficient the allegations supporting respondent's decision to suspend Sexton, there is no relief that I can grant, as she is no longer employed by respondent.

Based on the foregoing, I **CONCLUDE** that Sexton's appeal should be dismissed with prejudice because the issues raised by that appeal are now moot.

ORDER

For the reasons set forth above, I **ORDER** that appellant Carmen Sexton's appeal of the June 22, 2017, FNDA issued by respondent, New Jersey State Police, Department of Corrections, is moot and therefore is **DISMISSED WITH PREJUDICE**.

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.

October 28, 2025

DATE



TRICIA M. CALIGUIRE, ALJ

Date Received at Agency:

Date Mailed to Parties:

TMC/mh