



STATE OF NEW JERSEY

In the Matter of Jennifer Akturk,
Department of Corrections

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

CSC Docket No. 2026-993

Reconsideration

ISSUED: November 5, 2025 (SLK)

Jennifer Akturk, a Correctional Police Sergeant with the Garden State Youth Correctional Facility, Department of Corrections (DOC), requests reconsideration of *In the Matter of Jennifer Akturk* (CSC, decided September 24, 2025), which denied her appeal of a five working days suspension.

By way of background, the appellant was issued a Preliminary Notice of Disciplinary Action (PNDA) regarding a 60 working days suspension due to a May 2, 2024, incident where, among other charges, she was charged for not wearing her protective vest while entering the correctional facility. After a departmental hearing, a Final Notice of Disciplinary Action (FNDA) was issued suspending the appellant for five working days. The appellant appealed her minor discipline to the Civil Service Commission (Commission). In response, in a March 4, 2025, letter, the Director of the Division of Appeals and Regulatory Affairs (DARA) indicated that it was closing the matter as her appeal did not meet the standards for review of a minor discipline. Thereafter, in a September 5, 2025, reply, the appellant recognized that her request to re-open the matter came after the “45-day period,” but she explained why she did not timely request that the matter be re-opened, and she made her arguments concerning the merits of the case. In a September 10, 2025, letter, DARA staff indicated that it re-opened the minor discipline matter, and it was being forwarded to the Commission for a final determination.

Additionally, on or around September 8, 2025, the appellant was served a FNDA notice indicating that she was suspended for 120 working days for charges related to unauthorized photographs inside and outside of the correctional facility

and for providing false and misleading information during her interview. On September 16, 2025, DARA received the appellant's appeal of her 120 working days suspension and "related matters." On September 23, 2025, the Director of DARA granted a hearing on that matter pursuant to his delegated authority, and DARA staff transmitted the appellant's appeal of her 120 working days suspension to the Office of Administrative Law (OAL) for a hearing as a contested case.

In the Commission's September 24, 2025, decision concerning the subject minor discipline, the Commission noted that since it had not issued a final decision, the "45-day" time for reconsideration under *N.J.A.C.* 4A:2-1.6(a) was not applicable. However, as the appellant's request to re-open the matter was approximately six months after the matter was closed, which is well after 20 days from that decision, her appeal was untimely and could not be considered. *See In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020) and *N.J.A.C.* 4A:2-1.1(b). Moreover, even if the appellant believed that the Director's March 4, 2025, letter closing the matter was considered a decision subject to the 45-day time under *N.J.A.C.* 4A:2-1.6(a), her request to "reconsider" the matter was still well after 45 days. Further, the appellant's explanation for the delay, namely that she was managing significant overlapping personal and professional obligations connected to ongoing legal and administrative matters was unpersuasive. In that regard, the Commission commented that if her challenge to the subject discipline was of such import, she should have made a concerted timely effort to have its review re-opened. As such, the Commission dismissed her minor discipline appeal solely on that basis.

Additionally, for information purposes only, the Commission presented that the standard under *N.J.A.C.* 4A:2-3.7(a) is that minor discipline action should terminate at the departmental level, and the Commission generally defers to the judgment of the appointing authority in such matters. Further, it stated that the Commission will not disturb minor discipline proceedings unless there is substantial credible evidence that such judgments and conclusions were motivated by invidious discrimination considerations, such as age, race or gender bias or were in violation of Civil Service rules. *See e.g., In the Matter of Oveston Cox* (CSC, decided February 24, 2010). In this case, as the appellant did not deny the alleged conduct but instead argued that the charges and penalty were unfair, the Commission found that the appellant had not met the standard for a minor discipline appeal.

Thereafter, in an October 10, 2025, letter, in response to the appellant's subsequent emails, the Director reiterated that her major discipline appeal had been transmitted to the OAL. However, he noted that her "related matters," which included a grievance and prior disciplinary matters, one which was settled at the departmental level, and all of which, aside from a matter with a pending PNDA and the subject minor discipline, were finalized at the departmental level no later than June 2025. Further, other than the subject minor discipline, none of the "related matters" were appealed to the Commission prior to September 16, 2025. Regarding the minor discipline, the Director advised that, since the Commission issued a final

decision, she could request reconsideration or appeal to the Superior Court, Appellate Division. However, he informed the appellant that her appeals of her grievance and other disciplinary matters were not timely appealed to the Commission and, thus, were properly not accepted or granted substantive review.

Additionally, concerning the appellant's request to vacate an April 2024 settlement entered into in conjunction with one of the previously referenced disciplinary matters, the Director indicated that this matter was not reviewable by the Commission as the Commission only has jurisdiction to review settlements that arise from a disciplinary matter that is timely appealed to the Commission and subsequently settled by the parties, and then acknowledged by the Commission assuming that the settlement does not contravene Civil Service law and rules. However, in this case, the settlement was resolved at the departmental level. Therefore, the Director indicated that the Commission does not have jurisdiction over it. Moreover, even if it did, the request to review an April 2024 settlement was untimely. However, he noted that the appellant was not foreclosed from arguing at the OAL in defense of the 120 working days suspension, any issues that she believed appropriate.

In an October 11, 2025, dated submission in reply to the Director's October 10, 2025, letter, the appellant states that although he indicated that the transmittal of her major discipline to the OAL included "all attached" documents, her Supplemental Filing and Settlement Statement, which were emailed to DARA before the transmittal, were not included. The appellant contends that once DARA and/or the Commission asserts that the Commission does not have jurisdiction, any factual or merits commentary is outside of the scope of the Commission's authority under "N.J.A.C. 4A:2-2.9." Regarding her "related matters," she claims that the Director mischaracterized her request by stating that her request to consolidate related disciplinary matters "does not create entitlement to a hearing" as she never claimed that it did. She provides that she is seeking consistency of the record and judicial efficiency because multiple cases share common facts, witnesses, and retaliatory context. Concerning the settlement agreement, she disagrees that the Commission does not have jurisdiction as the agreement was executed under duress and coercion, and she states that the Commission has the authority to review settlements based on coercion under "N.J.A.C. 4A:2-2.10(a)." Additionally, she believes that DARA staff has been biased in its dealing with her as it has dismissed her claims and did not submit the complete record to the OAL. She notes that while she has been representing herself *pro se*, she has now retained legal counsel whose appearance shall be forthcoming.¹ The appellant also argues that since this submission is a request for "clarification or correction of the record," it is not subject to the \$20 fee for reconsideration.² Regarding the disciplinary charges, she indicates that these

¹ As of the issuance of this determination, no such representative has been identified regarding this matter.

² Regardless, the appellant submitted the fee. Further, as the Commission has accepted this matter as a further challenge of its September 24, 2025, determination, it can only be considered

charges stem entirely from an internal investigation conducted while she was under active medical restriction; yet she was ordered to participate while she was cognitively impaired, which was contrary to medical advice and in violation of workplace safety and accommodation requirements. She emphasizes that this submission is not being made for the purpose of a response but solely to memorialize and preserve the factual and procedural record in advance of her counsel's appearance and the pending OAL hearing.³

In the appellant's request for reconsideration of the subject minor disciplinary action, she states that in the Director's March 4, 2025, correspondence that purported to "close" her minor discipline appeal, the letter was not signed by the Commission and was issued by a DARA staff member. The appellant provides that under *N.J.S.A.* 11A:2-6 and *N.J.A.C.* 4A:2-1.1(b), only the Commission itself may issue a final administrative determination. She emphasizes that because this letter bore no signature of any Commission member, no vote, and no adoption language, it cannot constitute a lawful final agency action. Moreover, the letter did not contain notice of appeal rights or a 45-day period to ask for reconsideration as required by due-process standard and established Commission practice. She believes that an agency cannot hold an employee to a deadline that was never communicated. The appellant contends that the absence of that notice rendered any subsequent claim of "untimeliness" improper and deprived her of fair notice and the opportunity to be heard. She reiterates that the Commission's September 24, 2025, decision which referenced the March 4, 2025, letter as a basis for dismissal, compounds the defect as the letter was purely informational and carried no finality. Therefore, the appellant argues that the Commission's reliance on it to limit review or to impose deadlines is procedurally invalid.

Concerning retaliatory discipline, the appellant presents that on May 2, 2024, she sustained a work-related concussion, which led to her receiving Workers' Compensation medical care. Despite her doctor's instructions that she was not cleared to return to duty, she states that a Major ordered her to report to the facility on May 13, 2024, for an interview related to the minor discipline charges. The appellant emphasizes that this order required her to enter the correctional facility while under medical restriction, directly violating her doctor's instructions, which requires that orders be reasonable and lawful. She indicates that even the Major acknowledged that she was "not cleared to return to duty;" yet he compelled her attendance anyway. The appellant claims that this coercive order not only jeopardized her health but constituted retaliation and procedural abuse as the investigation itself stemmed from a report submitted by a Lieutenant, a supervisor,

reconsideration, which is subject to the appeal processing fee. *See N.J.S.A.* 11A:4-1.1d and *N.J.A.C.* 4A:2-1.8(a)2.

³ It is noted that the appellant has not cited any authority under Civil Service law or rules authorizing a submission "not made for the purpose of a response but solely to memorialize and preserve the factual and procedural record." Accordingly, for the purposes of finality, the Commission will respond to this submission.

who she previously reported for creating a hostile work environment. She argues that the Lieutenant's delayed, after-hours report was retaliatory in nature and became the foundation of the five working days suspension that later spawned into the 120 working days suspension now pending before the OAL. Therefore, the appellant believes that this demonstrates a clear pattern of selective enforcement and retaliation that the Commission failed to examine.

Additionally, the appellant claims that the Commission's correspondence repeatedly labels her as "not credible," echoing the DOC's retaliatory narrative without any independent review of the record, which is demonstrably false. She asserts that she has repeatedly proven, through evidence, sworn testimony, and prior legal victories, that retaliation and misconduct within the DOC is both systematic and targeted. The appellant believes that to dismiss her claims as "not credible" after years of documented and validated findings constitutes a deliberate attempt to silence a whistleblower whose evidence has consistently survived department scrutiny. She believes that the DOC's pattern of escalating discipline, beginning with this retaliatory report and culminating in subsequent charges, reflects a coordinated effort to discredit her for reporting misconduct. The appellant states that by the Commission adopting the DOC's language and refusing to issue a fair decision, it has compromised its neutrality. She emphasizes her belief that her appeal cannot be denied for both being "untimely" and simultaneously parrot the DOC's biased character assessments. Finally, she states that the Commission's conduct is inconsistent with its statutory duty to provide fair, independent review and instead transforms that Commission into an extension of the DOC's retaliatory apparatus. Therefore, she requests that the Commission vacate its September 24, 2025, decision and restore her appeal to active status.

CONCLUSION

N.J.A.C. 4A:2-1.6(a) provides that within 45 days of receipt of a decision, a party to the appeal may petition the Commission for reconsideration. *N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. *N.J.A.C.* 4A:2-1.4(c) provides that the appellant has the burden of proof on appeal.

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

N.J.A.C. 4A:2-3.7(a) provides that minor discipline may be appealed to the Commission. The rule further provides:

1. The [Commission] shall review the appeal upon a written record or such other proceeding as the Commission directs and determine if the appeal presents issues of general applicability in the interpretation of law, rule or policy. If such issues or evidence are not fully presented, the appeal may be dismissed without further review of the merits of the appeal and the Commission's decision will be a final administrative decision.
2. Where such issues or evidence under (a)1 above are presented, the Commission will render a final administrative decision upon a written record or such other proceeding as the Commission directs.

In this matter, the appellant has not met the standard for reconsideration. Concerning the appellant's claim that it was a procedural defect for the Commission to reference the Director's March 4, 2025, letter in its September 24, 2025, decision, the Director indicated that the appellant's minor discipline appeal was being closed as it did not meet the standard for review. The Director did not represent that this action was a "Final Administrative Action." *N.J.A.C. 4A:2-1.1(b)* provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed. This rule is not specific to only "Final Administrative Actions." Rather, it refers to any "decision, situation, or action" that is being appealed. In this case, the "decision, situation, or action" being appealed was the Director's closing of the subject minor discipline appeal without presenting it to the Commission. There is no requirement under Civil Service law or rules that every potential appealable "decision, situation, or action" taken include a specific, detailed statement of the appeal filing requirements. Similarly, there is no requirement under Civil Service law and rules that every action DARA staff or this agency takes requires a Commission member signature, a vote, and adoption language. As such, the Director's action did not violate due process standards as the appellant contends. Further, even if the appellant perceived this "decision, situation, or action" as a Commission "Final Administrative Action," she would have had 45 days to request reconsideration. *See N.J.A.C. 4A:2-1.6(a)*. Instead, the appellant chose to not respond to the Director's "decision, situation, or action," until six months later to request that the matter be re-opened. Further, *the Commission* found that the reason for her delay was unpersuasive. Accordingly, it was not Commission error to reference the March 4, 2025, letter in its September 24, 2024, decision, and to dismiss the matter solely based on her request to re-open the matter as untimely pursuant to *N.J.A.C. 4A:2-1.1(b)*. Similarly, the appellant has presented no new evidence that was not available at the time of the original proceeding which would change this outcome.

Referring to the appellant's statement about the investigation of her minor discipline which later spawned into a separate major discipline, under *N.J.A.C. 4A:2-*

3.7(a), the Commission only reviews minor discipline appeals that present issues of general applicability in the interpretation of law, rule, or policy. Otherwise, it defers to the appointing authority. In this case, regardless of the appellant's claims about the impropriety of the appointing authority's investigation, the record indicates that she acknowledged that she committed the alleged conduct, and her argument related to why she believed that the charges and penalty were unfair under the circumstances. Accordingly, as she acknowledged the conduct, it was not Commission error to find that her appeal of her minor discipline did not meet the standard for review. However, it is noted, as part of her major discipline appeal, she can bring up any arguments that she has regarding her minor discipline, including the alleged impropriety of the DOC's investigation, at the OAL to the extent that she believes that it is related to her major discipline.

Referring to the appellant's statements that the Commission repeatedly labeled her as "not credible," which echoes the DOC's retaliatory narrative without any independent view of the record, a review of the Commission's September 24, 2025, decision as well as the Director's March 4, 2025, and October 10, 2025, letters does not indicate that either the Commission or DARA staff made any "credibility" findings or even any reference to "credibility findings." Rather, the communications indicated that the appellant's appeal was not timely. Further, neither the Commission nor DARA staff made any determination regarding the merits of her claim. Rather, the Commission indicated that since she acknowledged the alleged conduct and only argued that the conduct did not warrant the charges and penalty imposed, her appeal of her minor discipline did not meet the standard for review. This finding does not in any way silence a whistleblower or compromise the Commission's neutrality as she contends. Moreover, the Commission's finding that her appeal is untimely, but also explaining, for information purposes only, why her appeal of her minor discipline did not meet the standard for review, is not in any way inconsistent with the Commission's statutory duty to provide fair and independent review as she argues.

Concerning the appellant's October 11, 2025, letter which she intended to "memorialize and preserve the factual and procedural record," per the appellant's request, while a hearing was granted solely for her appeal of the 120 working day suspension, her entire submission regarding her 120 working days suspension was transmitted to the OAL. Further, to the extent she claims that some of her submissions were not included, she can produce such documents during her hearing at the OAL, as such hearings are *de novo*. Also, contrary to the appellant's reference to *N.J.A.C. 4A:2-2.9*, which refers to Commission hearings, there is nothing prohibiting the Commission from finding that it does not have jurisdiction over a matter but explaining why, even if it did, the matter would be denied. Moreover, in the appellant's appeal of her 120 working days suspension, it appeared that she was also attempting to appeal "other related" matters. Therefore, it was appropriate for the Director to explain why the Commission would not review appeals of these untimely matters. Similarly, it was appropriate for the Director to explain why the

Commission lacked jurisdiction over a departmental-level settlement, which was never before the Commission. Also, it is noted that the appellant's reference to *N.J.A.C. 4A:2-2.10(a)*, as to why the Commission has jurisdiction over the subject settlement based on coercion is misplaced as this rule relates to back pay and has no relevance to a settlement. Regardless, to the extent that these matters are part of her overall defense of the 120 working days suspension, she can present those arguments at the OAL.

Finally, there is nothing in the record that suggests that DARA staff treated the appellant in a biased matter as she contends. The fact that she received answers to her requests that were not favorable in no way indicates that DARA staff treated her matters any differently than any other similar matters filed by other appellants. Accordingly, her request for reconsideration is denied.

ORDER

Therefore, it is ordered that this request be denied.

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 5TH DAY OF NOVEMBER, 2025

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