



STATE OF NEW JERSEY

In the Matter of Bernacine Barnes,
Monmouth County, Department of
Human Services

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

Request for Reconsideration

CSC Docket No. 2026-1118

ISSUED: September 2, 2026 (SLK)

Bernacine Barnes, a former Senior Receptionist with the Monmouth County Department of Human Services, requests reconsideration of *In the Matter of Bernacine Barnes* (CSC, decided September 24, 2025) where the Civil Service Commission (Commission) upheld her removal, effective August 17, 2017.

By way of background, the appellant was removed for various administrative charges and violations of departmental rules. The appellant appealed her removal to the Commission, and the matter was transmitted to the Office of Administrative Law (OAL) as a contested case. Subsequently, the appellant also filed a lawsuit against the appointing authority which ultimately ended up in federal court, which resulted in the matter at the OAL to be inactivated until the federal lawsuit was dismissed. After the federal matter was dismissed on November 7, 2024, the matter at the OAL was returned to active status. Thereafter, during the hearing, the Administrative Law Judge (ALJ) ordered that the appellant be sanctioned and directed her to reimburse the appointing authority for its costs in responding to the appellant's frivolous motions and her improper conduct. In the ALJ's initial decision, the ALJ denied the appointing authority's motion to dismiss the matter. However, the ALJ recommended sustaining the charges and removing the appellant. Thereafter, in the Commission's September 24, 2025 decision, the Commission noted that it agreed with the ALJ that the matter should not have been procedurally dismissed. The Commission also adopted the ALJ's recommendation to uphold the appellant's removal. Concerning the appellant's exceptions, the Commission commented:

The appellant's exception make, *inter alia*, myriad claims of retaliatory and inappropriate conduct on the part of the appointing authority and its representative, including allegations of withholding evidence. She also refers to information which was not part of the record, which the Commission cannot consider. Regardless, in its *de novo* review, the Commission finds nothing in the ALJ's initial decision suggesting that her substantive findings on the disciplinary charges proffered were arbitrary, capricious, unreasonable or otherwise based on anything other than the credible evidence in the record.

In the appellant's request for reconsideration, the appellant states that her request is based on newly recognized and previously withheld evidence that directly affected the fairness and outcome of the prior proceeding. Specifically, the appellant asserts that Americans with Disability (ADA) medical records and other materials were withheld during the administrative and federal stages¹ of this matter, which prevented a full and fair review of her wrongful termination claim. The appellant claims that the appointing authority twice withheld material evidence that directly affected the outcome of her case, including investigation reports, witness statements, and internal emails. The appellant believes that these records prove that the appointing authority's investigator gave false statements during the 2017-2018 administrative hearing and her later deposition in federal court.

The appellant states that despite repeated discovery requests, the appointing authority did not produce these materials until after the appointing authority filed its Motion for Summary Judgment, which she asserts was too late for her to properly use in her defense. Additionally, the appellant presents that the appointing authority's counsel admitted that he never before filed a motion for sanctions but only did so because the judge instructed him to. She indicates that she simultaneously was preparing for both the motion for summary judgment and the motion for sanctions, while still waiting for the withheld evidence to be disclosed.

The appellant claims that because of the overlapping court actions and proceeding *pro se* without resources, she was unable to meet federal filing deadlines. She presents that during this same period, she was recovering from two accidents, dealing with an assault at work, and engaging in ongoing physical therapy, leaving her at a significant disadvantage in navigating complex legal procedures without counsel or financial support. The appellant argues that these combined circumstances, which include the appointing authority's alleged misconduct, the late disclosure of crucial evidence, and physical and procedural hardship, rendered the prior proceedings unfair and incomplete. The appellant asserts that had the

¹ Any claims regarding discovery issues regarding the federal matter are outside of the Commission's jurisdiction and will not be addressed.

withheld investigation records and internal emails been disclosed timely, the outcome would have been different. Therefore, the appellant requests that the matter be reopened, reversed, or remanded to ensure full disclosure and a fair hearing on the merits. The appellant presents the evidence that was withheld and why it matters. Additionally, the appellant submits her complaint and exhibits from her federal lawsuit.

In response, the appointing authority, represented by Steven W, Kleinman, Esq., Special County Counsel, states that during the hearing at the OAL, it presented 106 numbered paragraphs buttressed by competent evidence while the ALJ found that the appellant, in response to 105 of the 106 paragraphs, failed to respond to the appointing authority's facts other than to say that they were "disputed" without any supporting evidence. Additionally, the ALJ concluded that the appellant's behavior represented a "textbook case of disrespect for authority and of conduct that would, if left unpunished, adversely affect the morale of a governmental unit." Further, the ALJ issued monetary sanctions against the appellant based on her personal attacks against the appointing authority's counsel throughout the proceeding, which she has not paid.²

The appointing authority highlights that in its prior decision, the Commission found that, in her exceptions, the appellant had inappropriately sought to include information that was not part of the hearing record. The appointing authority argues that the appellant has not met the standard for reconsideration and she is seeking a "second bite of the apple." Further, the appointing authority questions how anything related to requests for accommodations pursuant to the ADA have any bearing on the administrative charges and rule violations that were sustained. It provides that the ALJ rejected the appellant's claims that the appointing authority violated her rights under the ADA and State law, finding that the appellant's removal was based on poor performance. Also, it notes that to the extent that the appellant believes that she was not given a fair shake in federal court, that is beyond the Commission's purview to consider. The appointing authority argues that the appellant's claim that she was discriminated against based on disability, retaliation, hostile work environment and other related wrongs from her failed federal lawsuit cannot be considered now.

The appointing authority states that although the appellant references "repeated discovery requests" she purportedly made at the OAL hearing, she has failed to specify what those requests were. She then contradicts herself when she states that she received them as part of the County's Motion for Summary Decision. It questions the appellant's unexplained statement as to why it was "too late for her to properly use [the documentation] in her defense." The appointing authority asserts that any legitimate discovery issues needed to be addressed during the OAL

² The OAL had a proceeding related to the sanctions. However, as the Commission was not a party to that matter, it will not address it in this matter.

hearing and not during a motion for reconsideration. Further, the appointing authority contends that discovery requests related to matters that are not pertinent to her removal case, such as a 2014 Freeholder meeting or ADA medical records, have no relevance to whether she filed false criminal charges against her supervisor or other misconduct alleged in the FNDA. Moreover, to the extent that anything related to her disciplinary charges are referenced in her submission, the appointing authority indicates that the ALJ already considered this information and found it lacking.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a request for must show the following:

1. The new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

In this matter, the appellant has not met the standard for reconsideration. In the appellant's exceptions in the initial preceding, as indicated above, the appellant made allegations that the appointing authority withheld evidence and the Commission did not find those arguments persuasive. Further, to the extent that the appellant is making any new arguments in this regard, there is nothing in the record to explain why she did not make those arguments at the time of the original proceeding. *See N.J.A.C.* 4A:2-1.6(b)1.

Moreover, regarding any claim that the appellant is making that the Commission made a clear material error, discovery issues need to be addressed during the hearing at the OAL. While the appellant claims that she made repeated discovery requests, there is nothing in the record that indicates that the appellant made any motions to compel discovery for any alleged "withholding of evidence." Further, if the appellant had made such a motion and received an adverse ruling, the time to address such a denial at the OAL would have been to request interlocutory review during the hearing and not during a request for reconsideration. *See N.J.A.C.* 1:1-14.10. Moreover, the appellant's *pro se* status or other personal considerations are not valid reasons to address alleged discovery issues upon reconsideration. Accordingly, the appellant has failed to demonstrate that the Commission's prior decision was a clear material error. *See N.J.A.C.* 4A:2-1.6(b)2.

ORDER

Therefore, it is ordered that the appellant's 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 2ND DAY OF SEPTEMBER, 2026



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