STATE OF NEW JERSEY

In the Matters of Dane Bath, Morris County	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket Nos. 2026-1893 and 2026-1894	:	Request for Reconsideration

ISSUED: September 23, 2026 **(HS)**

Dane Bath, a former Public Safety Telecommunicator Trainee, petitions the Civil Service Commission (Commission) for reconsideration of *In the Matter of Dane Bath, Morris County* (CSC, decided February 4, 2026), which upheld his eight working day suspension and release at the end of the working test period. That decision is incorporated herein by reference.

In the prior decision, the Commission noted that it thoroughly reviewed the exceptions to the Administrative Law Judge's (ALJ) initial decision filed by the petitioner and found them unpersuasive. With respect to the eight working day suspension, the ALJ determined that it was warranted as the credible evidence, which included witness testimony and a video, demonstrated that the petitioner was asleep on the job on two occasions. This warranted major discipline. With respect to the release at the end of the working test period, the ALJ noted that while the petitioner's Daily Observation Reports were average, the credible evidence demonstrated that he was counseled regarding specific violations, his compliance with the dress code, his behavior expectations, and the cell phone policy and that he was not applying his training on calls and appeared lounging while at his desk. Moreover, the petitioner did not pass all 16 quizzes given to trainees as required. Further, the Commission noted that disciplinary action during a working test period was a sufficient justification to release an employee. Findings related to tardiness and inappropriate texting further supported the petitioner's release. The Commission was not persuaded by the petitioner's exceptions with respect to procedural deficiencies during the hearing at the Office of Administrative Law (OAL).

For example, while the petitioner complained that the appointing authority did not serve its exhibits upon him seven days before the September 29, 2025 hearing date, he also acknowledged that the OAL had transmitted the exhibits to him on September 22, 2025. Additionally, the petitioner's separation was properly considered a release as the petitioner had the benefit of completing and being assessed for almost the entire time of the working test period. The petitioner was notified on the 87th day that he was being released on the 90th day of his three-month working test period. Thus, the burden of proof was on the petitioner with respect to his release. To be successful in such a challenge, the petitioner needed to show by a preponderance of the evidence that the appointing authority effectuated the working test period in bad faith, but, as found by the ALJ, the petitioner did not satisfy that burden.

In his request for reconsideration,[1] the petitioner reiterates arguments he had presented in his exceptions to the ALJ's initial decision. The petitioner also now complains that the appointing authority's exhibits R-17 and R-18, the video recordings, were not served upon him seven days before the hearing per the prehearing order. Rather, the appointing authority indicated, in a letter dated September 23, 2025 that "[t]here are also two video recordings that are too large to submit via email that will be produced via overnight mail." The petitioner proffers that the video recordings constituted "the central evidence" supporting the allegation that he was sleeping on duty. By failing to timely serve this evidence, the petitioner argues, the appointing authority deprived him of any meaningful opportunity to review, analyze, or prepare a defense. He contends that the prejudice is compounded by the fact that even the ALJ acknowledged delayed receipt of materials. Additionally, he complains that the appointing authority violated the ALJ's August 13, 2025 prehearing order by not placing its proposed exhibits in a binder when they were disclosed to the petitioner seven days in advance of the hearing; that when the appointing authority filed its reply to exceptions via e-mail, it merely copied the petitioner on the e-mail addressed to the Division of Appeals and Regulatory Affairs rather than serving the petitioner as the primary recipient; and that the Morris County Counsel did not also sign the reply to exceptions. In support, the petitioner provides copies of e-mail correspondence among the petitioner, appointing authority, and the OAL and the appointing authority's aforementioned September 23, 2025 letter.

In response, the appointing authority, represented by Stephen E. Trimboli, Esq., maintains that the petitioner has not met the standard for reconsideration. Specifically, his argument regarding the prehearing disclosure of appointing authority exhibits not being in binders could have been raised at the OAL hearing, but was not. Even if considered, this argument would have had no effect on the

[1] In fact, the petitioner had filed a response to the appointing authority's reply to exceptions, which was received by this agency on February 3, 2026 – after the agenda for the February 4, 2026 Commission meeting had already been posted. The Commission is accepting this response as the petitioner's request for reconsideration of the Commission's prior decision.

outcome of the case. His arguments regarding the manner in which the appointing authority served and signed its reply to exceptions likewise would have had no effect on the outcome of the case. Further, his remaining arguments are nothing more than a repetition of arguments previously submitted to and rejected by the Commission. Disagreement with the Commission's decision is not a basis for reconsideration. That the petitioner is reduced to arguing about how the appointing authority's attorneys sign their submissions reveals the weakness of his case.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration shall be in writing signed by the petitioner or the petitioner's representative and 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. A review of the record reveals that reconsideration is not justified.

Even assuming that the petitioner was not in possession of the video recordings seven days prior to the hearing, there is no substantive evidence in the record that the petitioner sought relief from the ALJ on this issue at the time by, for example, a motion to exclude those exhibits or a motion to adjourn the hearing. Further, the appointing authority's September 23, 2025 letter was not specifically presented as part of the petitioner's exceptions. Nevertheless, the petitioner's general assertion that he has been deprived of any meaningful opportunity to review, analyze, or prepare a defense is not sufficient evidence of prejudice warranting reconsideration. Further, through the filing of his exceptions, the petitioner had the opportunity to present arguments concerning the video recordings.[2] Additionally, while the petitioner calls the video recordings "the central evidence" supporting the allegation that he was sleeping on duty, it should not be ignored that the hearing included live testimony from two witnesses, each of whom testified to their observations and interactions with the petitioner on the date in question. The ALJ deemed those witnesses credible, and her credibility findings are entitled to the Commission's deference. *See, e.g., Matter of J.W.D.*, 149 *N.J.* 108 (1997). The petitioner's complaints as to the prehearing disclosure of appointing authority exhibits not being in binders and the manner in which the appointing authority served and signed its reply to exceptions are immaterial and not a basis to reconsider the prior decision. Otherwise, the instant reconsideration request repeats arguments that were previously presented in the exceptions and deemed unpersuasive.

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[2] Indeed, multiple sections of the exceptions concerned the video recordings. In this regard, they included sections titled "Mischaracterization and Misinterpretation of Video Evidence;" "Video Evidence Demonstrates Unreliable Observation and Arbitrary Enforcement;" and "Overstatement of Video Evidence."

Accordingly, the petitioner has not met the standard for reconsideration as he has not shown that a clear material error has occurred or presented new information that would change the outcome.

ORDER

Therefore, it is ordered that this request for reconsideration 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 23RD DAY OF SEPTEMBER, 2026



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