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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

In the Matter of Marjorie Londregan

CSC Docket No. 2015-2336
OAL Docket No. CSV 4716-15

REMAND TO THE OFFICE OF ADMINISTRATIVE LAW

ISSUED: APR 24 2017 (NFA)

The appeal of Marjorie Londregan, a Graduate Nurse with Passaic County, Preakness Healthcare Center, of her removal, effective January 15, 2015, was before Administrative Law Judge Joann LaSala Candido (ALJ), who rendered her initial decision on March 31, 2017, dismissing the appeal. Exceptions were filed on behalf of the appellant.

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 April 19, 2017, did not adopt the recommendation to dismiss the appeal. Rather, the Commission remanded the matter to the Office of Administrative Law (OAL).

DISCUSSION

The pertinent procedural history of this matter is detailed in the ALJ's initial decision. In this regard, the ALJ, based on myriad issues, adjourned the matter several times until ultimately scheduling a peremptory hearing date of March 31, 2017, where the appellant failed to appear. However, the ALJ also noted that, as confirmed in the appellant's exceptions, that there was a possibility that the matter could be settled. While the Commission does not find the appellant's exceptions otherwise particularly persuasive, and does not condone the appellant's lack of appearance in this matter, it finds that the matter should be remanded to the OAL. Specifically, the policy of the judicial system strongly favors settlement. *See Nolan v. Lee Ho*, 120 *N.J.* 465 (1990); *Honeywell v. Bubb*, 130 *N.J. Super.* 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 *N.J. Super.* 472 (App. Div. 1961), *cert. denied,* 35

N.J. 61 (1961). This policy is equally applicable in the administrative area. Accordingly, since it appears that there is still a possibility that this matter can be amicably resolved, the Commission is inclined to afford the appellant that opportunity.

Accordingly, the Commission remands this matter to the OAL to allow the parties to explore further efforts at settling the matter. In this regard, the OAL should schedule one last peremptory hearing date as soon as possible where the hearing will proceed absent a settlement. The Commission notes that, should the appellant fail to appear on that date, the appellant ***will not*** be afforded another opportunity.

ORDER

The Commission orders that this matter be remanded to the OAL for further proceedings as set forth above.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF APRIL, 2017

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals & 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 04716-15

MARJORIE J. LONDREGAN,

Petitioner,

v.

PASSAIC COUNTY PREAKNESS HEALTHCARE CENTER,

Respondent.

Samuel Wenocur, Esq. on behalf of petitioner (Oxfeld Cohen, PC)

Jose Santiago, Esq. on behalf of respondent (Assistant County Counsel)

Record Closed: March 31, 2017 Decided: March 31, 2017

BEFORE **JOANN LASALA CANDIDO**, ALAJ:

Petitioner, Marjorie Londregan, appealed her termination as a graduate nurse by respondent, the Passaic County Preakness Healthcare Center, by Final Notice of Disciplinary Action dated January 22, 2015.

Petitioner requested a hearing on the matter, and it was transmitted as a contested case to the Office of Administrative Law (OAL), and filed on April 7, 2015. N.J.S.A. 52:14B-2(b); N.J.A.C. 4A:2-2.8. Hearings were scheduled and adjournments were requested by petitioner as follows:

Petitioner requested an adjournment of the September 24, 2015 hearing date for medical reasons; petitioner requested an adjournment of the February 16, 2016 hearing date and waived back pay; petitioner requested an adjournment of the May 2, 2016 hearing date because she was ill; petitioner requested an adjournment of the September 21, 2016 hearing date because she would be out-of-state; the January 10, 2017 hearing date was adjourned because the parties reached a settlement. Petitioner's counsel anticipated having a written agreement signed within the next few weeks; on February 16, 2017, a telephone conference was conducted requesting status of the settlement. No settlement was reached and on March 2, 2017 another telephone conference was conducted to obtain the status of settlement. No settlement was reached; petitioner requested an adjournment of the March 16, 2017 hearing date because she was out-of-state and her home needed emergency repair. Petitioner's counsel stated that there is still a likelihood of settlement, although petitioner still has not provided him with an original or signed copy of the settlement agreement and is working on signing and returning the document; a peremptory date was scheduled for March 31, 2017 and petitioner failed to appear at the peremptory hearing.

Because petitioner failed to appear for the peremptory hearing date and has had many opportunities to present her case, I **CONCLUDE** that this matter is no longer a contested case before the Office of Administrative Law. It is **ORDERED** that this matter be **DISMISSED** for failure to appear.

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.

March 31, 2017

DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency: March 31, 2017

Date Mailed to Parties:

ljb