



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
SEPTEMBER 7, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
Margaret E.L. Howard
Robert Long**

SEPTEMBER 7, 2005

A regular meeting of the Merit System Board was held on Wednesday, September 7, 2005, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres Jr., Merit System Board Members, Flavella Branham, Margaret E.L. Howard and Robert J. Long; Barbara Bereski, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairman Rolando Torres, Jr. opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 3, 2004, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Christopher Antonacci, Sheriff's Officer, Essex County, removal effective July 8, 2002.

Michael Arrington, Laborer, City of Atlantic City, removal effective November 15, 2004.

Javier Arroyo, Police Officer, City of Newark, removal effective November 8, 2002

William Broughton, Police Captain, Teaneck Township, removal effective January 19, 2005.

Denise Brown, Clerk, Essex County, Office of Commissioner of Registration/Superintendent of Elections, good faith of layoff effective September 15, 2003.

Eunice Carey, Clerk Typist, Division of Medical Assistance and Health Services, Department of Human Services, release at the end of the working test period.

Gregory Carr, Sanitation Worker, City of Long Branch, indefinite suspension, pending disposition of criminal charges.

Jorge Cruz-Gonzalez, Cook 12-months, Edna Mahan Correctional Facility for Women, suspension.

Laudernia Daniels, Juvenile Detention Officer, County of Union, indefinite suspension, pending disposition of criminal charges.

Dawn Dooley, Motor Broom Operator, City of Newark, removal effective November 7, 2005.

Oscar Dupree, Groundskeeper Driver, County of Hudson, suspension.

Ronald Gallagher, Firefighter, City of Jersey City, forfeiture of four 24-hour days equal to 96 hours.

Joseph Giordano, Sanitation Driver, City of Sea Isle, suspension and demotion.

Alexander Gonzalez, Human Services Specialist 1, County of Union, release at the end of the working test period.

Moses Higginbotham, Senior Correction Officer, Garden State Correctional Facility, removal effective January 21, 2005.

Michelle Hill, Correction Officer Recruit, Juvenile Justice Commission, release at the end of the working test period.

Patrick Ivanitski, Truck Driver, Department of Transportation, fine.

Andrea Lemons, Correction Officer Recruit, Albert C. Wagner Youth Correctional Facility, removal.

Thomas Lumpkin, Youth Work Supervisor, Arthur Brisbane Child Treatment Center, sick leave injury appeal.

Glen Melon, Senior Correction Officer, East Jersey State Prison, indefinite suspension, pending disposition of criminal charges.

Julie Moore, Senior Clerk Typist, Salem County Board of Social Services, removal effective July 30, 2004.

Edreal Moses, Human Services Technician, Ancora Psychiatric Hospital, removal effective June 23, 2004.

Sultan Muhammad, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, indefinite suspension pending disposition of criminal charges.

Lawrence Murphy, Ranger, Department of Environmental Protection, list by-pass, suspensions and removal.

Thomas Mullin, Police Officer, City of Jersey City, removal effective March 15, 2004

Caroline Reo, Groundskeeper Driver, County of Hudson, suspension.

Christopher Sainsot, Food Service Worker, County of Cumberland, removal effective November 23, 2004.

Edgar Sanchez, Police Officer Recruit, City of Jersey City, removal effective August 11, 2003.

Janelle Spearman, Senior Correction Officer, East Jersey State Prison, suspension.

Anthony Sexton, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, indefinite suspension pending disposition of criminal charges.

Lakesesha Turnage, County Correction Officer, release at the end of the working test period.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Terrance A. Garris, Heavy Laborer, Township of Berkeley, removal effective June 1, 2004.

Maria LaFontaine, Human Services Assistant, New Jersey Veterans Memorial Home at Vineland, removal effective October 20, 2004.

Omar Murray, Security Guard 10-months, Newark School District, suspension.

Bruce Roy, Cottage Training Technician, New Lisbon Developmental Center, suspension.

Joan Stanley, Principal Clerk Typist, County of Morris, removal effective January 2, 2004.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Michael Allen
Town of Middletown
Police Department
Release at the end of the working test period

In the Matter of Dorit Attias
Township of Lakewood
Department of Public Works
Suspension

In the Matter of Stephanie Baker
Woodbine Developmental Center
Department of Human Services
Suspension

In the Matter of Brenda Cassidy
South Woods State Prison
Department of Corrections
Suspension

In the Matter of Anthony Crawford
County of Cumberland
Sheriff's Department
Removal

In the Matter of Antoinette D'Angelo
New Jersey Higher Education Student Assistance Authority
Reprisal

In the Matter of Robert Demarzio
County of Gloucester
Department of Corrections
Suspension

In the Matter of Mark Dippel
City of Jersey City
Police Department
Suspension

In the Matter of Joshua Feldman
County of Hudson
Department of Corrections
Suspension

In the Matter of Kim Hamilton
Division of Youth and Family Services
Department of Human Services
Removal

In the Matter of Robert Jackson
Department of Treasury
Release at the end of the working test period

In the Matter of Terry Lindsey
County of Burlington
Buttonwood Hospital
Suspension

In the Matter of Terry Lindsey
County of Burlington
Buttonwood Hospital
Suspension

In the Matter of Robert Morales
County of Mercer
Department of Public Safety
Suspension and Removal

In the Matter of Dorothy Pearyer
New Jersey Judiciary
Removal

In the Matter of Kevin Rhoads
County of Monmouth
Department of Highway
Removal

In the Matter of Gail Risko
Division of State Police
Suspension and Removal

In the Matter of Egbert M. Roach
City of Atlantic City
Department of Public Works
Removal

In the Matter of Gregory Scott
City of Newark
Department of Water and Sewer Utilities
Removal

In the Matter of Philip Smith, III
County of Burlington
Department of Highway
Release at the end of the working period

In the Matter of Bobby Stubbs
County of Cumberland
Department of Corrections
Removal

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

ACTION: The Merit System Board acknowledged the settlements.

A-2 SHARON DANIELS

Sharon Daniels, Public Safety Telecommunicator Trainee, County of Gloucester, Communication Center, release at the end of the working test period effective July 8, 2003.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-3 MARIA TORSIELLO

Maria Torsiello, Clerk, Township of Sparta, Department of Public Works, eight-day suspension on charges of insubordination, neglect of duty and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the eight-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-4 SHAUYN COPELAND

Shauyn Copeland, Data Control Clerk Typing, Newark School District, removal effective February 24, 2004, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a four-month suspension.

A-5 FRANK GILFONE

Frank Gilfone, Mason, County of Essex, Department of Parks, Recreation and Cultural Affairs, removal effective May 31, 2002, on charges of incompetency, inability to perform duties, conduct unbecoming a public employee, neglect of duty, and falsification.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-6 JEANNETTE JACKSON

Jeannette Jackson, Judiciary Clerk 2, State of New Jersey Judiciary, Union Vicinage, removal effective October 9, 2003, on charges of neglect of duty, other sufficient cause and chronic and excessive lateness.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-7 ANGELO RIVERA

Angelo Rivera, Police Officer, City of Camden, Police Department, removal effective June 8, 2004, on charges of violation of Department rules and regulations regarding neglect of duty, truthfulness, failure to comply with orders and insubordination.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-8 GERALDINE SIMS

Geraldine Sims, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective April 1, 2004, on charges of abuse of sick leave and unauthorized absences.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and upheld the removal.

A-9 OMAR THOMPSON

Omar Thompson, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removal effective October 29, 2003, on the charge of physical abuse of a patient.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board directed that this matter be held over.

A-10 JANIKA WHITE

Janika White, Juvenile Detention Officer, County of Passaic, Department of Youth Services, removal on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board directed that this matter be remanded to the Office of Administrative Law.

A-11 LANNAVIA J. WRIGHT - SETTLEMENT

Lannavia J. Wright, Building Service Worker/Seamstress, County of Atlantic, Department of Human Services, 40-day suspension on charges of conduct unbecoming a public employee, patient abuse and violation of regulations. Settled to a 15-day suspension and reimbursement of 25 days' back pay.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION: The Merit System Board acknowledged the settlement.

A-12 DAVID HOFFMAN

David Hoffman, Engineer in Charge of Maintenance, New Jersey State Prison, Department of Corrections, 20-day suspension on charges of racial and/or sexual harassment and/or retaliation, conduct unbecoming a public employee and verbal abuse of an inmate, patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-13 JAMES KELLY

James Kelly, Social Worker, Ocean County Board of Social Services, release at the end of the working test period effective December 8, 2003.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-14 NOELING H. MILLER

Noeling H. Miller, County Correction Officer, County of Burlington, County Jail, 12-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 12-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 30-working day suspension.

A-15 KASSIEM ROBINSON

Kassiem Robinson, County Correction Officer, County of Burlington, County Jail, ten-day suspension on charges of chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of jurisdiction.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-16 KIM SYKES

Kim Sykes, Probation Officer, New Jersey Judiciary, Middlesex Vicinage, resignation not in good standing effective September 12, 2003, on the charge of abandonment of position.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a resignation in good standing.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-17 JALAL GHAVAMI

Jalal Ghavami, Auditor, City of Newark, Department of Health and Human Services, 1) seven-day on charges of insubordination and failure to perform duty, 2) eight-day suspension on the charge of conduct unbecoming a public employee, and 3) a removal effective September 24, 2003, on charges of, *inter alia*, incompetency, inefficiency or failure to perform, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the seven-day and eight-day suspensions and the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-18 FREDERICK PARISI

Frederick Parisi, Police Officer, City of Passaic, Police Department, removal effective April 9, 1997, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-19 JOSE R. RIOS

Jose R. Rios, Senior Maintenance Repairer, Paterson Housing Authority, removal effective November 29, 2001, on charges of chronic absenteeism and inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-20 EDUARDO TAPARI

Eduardo Tapari, Food Service Worker, County of Union, Runnells Hospital, removal effective March 29, 2004, on charges of conduct unbecoming a public employee and chronic and excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-21 TONY WILLIAMS

Tony Williams, Building Maintenance Worker, Newark Housing Authority, removal effective July 25, 2003, on charges of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-22 SETTLEMENTS

In the Matter of Donna Hughes
Judiciary Mercer Vicinage
Suspension and Resignation not in good standing

In the Matter of Andrew Lancelotti
City of Jersey City
Police Department
Removal

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

ACTION: The Merit System Board acknowledged the settlement for Donna Hughes but directed that the settlement for Andrew Lancelotti be held over.

SECTION B – MISCELLANEOUS MATTERS

B-1 JOHN W. CASE

John W. Case, represented by David C. Stanziale, Esq., appeals his rejection as a Police Officer candidate by the City of West Orange and its request to remove his name from the eligible list for City of West Orange for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-2 JOHN M. FLORES

John M. Flores appeals the removal of his name from the S2036E eligible list for the title of Parole Officer Recruit, Bilingual in Spanish and English, NJ State Parole Board, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-3 CARLOS PENA

Carlos Pena, represented by Ciro A Spina, III, Esq., appeals his rejection as a County Correction Officer candidate by the County of Ocean and its request to remove his name from the eligible list for County Correction Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board referred the matter for independent evaluation.

B-4 GLENN ROSARIO

Glenn Rosario, represented by Otto J. Scerbo, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-5 ANDEWALE ADEFOWOJU

Andewale Adefowaju, a Human Services Technician with the Hagedorn Geropsychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-6 GARY A. CHARYAK

Gary A. Charyak, a Hazardous Site Mitigation Specialist 3 with the Department of Environmental Protection, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-7 DANIEL DECORE

Daniel DeCore, Regulatory Officer 1, Public Transportation, with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-8 NORMA LEWIS-BLACKWOOD

Norma Lewis-Blackwood, a Practical Nurse with Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-9 RICHARD LUKOWICZ

Richard Lukowicz, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, represented by Joseph Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-10 NYDIA MORALES

Nydia Morales, a Vocational Rehabilitation Counselor 2, Bilingual in Spanish and English, with the Department of Labor, represented by Bob Regan, Staff Representative, CWA Local 1037, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-11 JO-ANN MURATH

Jo-Ann Murath, a Senior Probation Officer with the Judiciary, Vicinage 9 – Monmouth County, requests reconsideration of the final administrative decision, rendered on May 4, 2005, denying her request for sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-12 JULIE PETERSON

Julie Peterson, a Charge Nurse, 12 Months at Ancora Psychiatric Hospital, Department of Human Services, represented by Michele Long-Vickers, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board referred the matter to the medical examiner's panel.

B-13 LAURA PORTER

Laura Porter, a Ranger Sergeant with the Department of Environmental Protection, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-14 BEATRICE QUARTEY

Beatrice Quartey, a Charge Nurse (12 Months) at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-15 JAMES WYDRA

James Wydra, a Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-16 GEORGE ABRAHAMS

George Abrahams appeals the decision of the Division of Human Resource Information Services which upheld the removal of the appellant's name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to an unsatisfactory criminal record.

ACTION: The Merit System Board directed that this appeal be denied.

B-17 CHRISTOPHER APPLGATE AND GREGORY VOCI

Christopher Applegate and Gregory Voci, represented by Stuart Alterman, Esq., appeals the decisions of Human Resource Information Services (HRIS) which upheld the bypass of their names on the list for Police Lieutenant (PM3566B), City of Atlantic City.

ACTION: The Merit System Board directed that this appeal be denied.

B-18 ALBA E. MANCEBO

Alba E. Mancebo appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections (DOC), due to her unsatisfactory criminal record.

ACTION: The Merit System Board directed that this appeal be denied.

B-19 EDWARD J. MARI

Edward J. Mari appeals the decision of Human Resource Information Services which upheld the removal of his name from the Police Officer (S9999D), City of Bayonne, eligible list on the basis that he was no longer interested in the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-20 ERIBERTO SERRANO

Eriberto Serrano appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of his name from the Police Officer (M21896E), City of Passaic, eligible list due to his failure to respond to the Notice of Certification.

ACTION: The Merit System Board directed that this appeal be denied.

B-21 MANDISA SMITH

Mandisa Smith appeals the decision of Human Resource Information Services, which upheld the removal of the appellant's name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to an unsatisfactory employment record.

ACTION: The Merit System Board directed that this appeal be granted.

B-22 PRINCIPAL CASHIER (C7841F), COUNTY OF BERGEN SURROGATE'S COURT

The appointing authority's failure to dispose of the certification for Principal Cashier (C7841F), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs.

B-23 RAYMOND ALLOWAY

Raymond Alloway, a Senior Police Officer, Human Services with the Department of Human Services (DHS), represented by Joseph A. Carmen, Esq., appeals the determination of DHS' Assistant Commissioner for Human Resources, stating that there was probable cause to substantiate a finding that he violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-24 RICHARD A. LLEWELLYN

Richard A. Llewellyn, a Crew Supervisor, Highway Maintenance, with the Department of Transportation (DOT), appeals the determination of the Executive Director, Division of Civil Rights and Affirmative Action, within the DOT which found that the appellant had violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-25 SONIA GIRON

Sonia Giron, a former Police Officer with the City of Jersey City, requests a hearing regarding her removal from employment, based upon her dismissal from the Jersey City Police Academy.

ACTION: The Merit System Board granted a hearing.

B-26 TAMARA GREEN

Tamara Green, represented by Timothy R. Smith, Esq., appeals her termination from employment as a County Correction Officer with the County of Essex.

ACTION: The Merit System Board dismissed the appeal for lack of jurisdiction.

B-27 EFRAIN RIVERA

Efrain Rivera, a former Police Officer Recruit, Human Services, with the Department of Human Services, appeals his resignation in good standing.

ACTION: The Merit System Board directed that this appeal be denied.

B-28 JOSEPH RENNA

Joseph Renna, a Public Participation Specialist with Union County, represented by Richard C. Wischusen, Esq., requests enforcement of the Merit System Board decision rendered on February 23, 2005, which ordered that an award of \$48,590 in counsel fees be remitted to Mr. Wischusen within 30 days of issuance of the decision. In addition, he requests an award of interest on the counsel fee award and fines be assessed against the appointing authority for its noncompliance.

ACTION: The Merit System Board directed that this appeal be granted in part.

B-29 SANITATION SUPERINTENDENT (PM0538E), ATLANTIC CITY

Melvin Jones, represented by Richard L. Press, Esq., petitions the Merit System Board for enforcement of the decision rendered January 12, 2005, wherein the Board ordered that Atlantic City return Darryl Data to his permanent position as a Supervisor, Streets and properly dispose of the February 20, 2004 certification for Sanitation Superintendent (PM0538E), Atlantic City eligible list.

ACTION: The Merit System Board directed that this appeal be denied.

B-30 ANIL THOMAS

Anil Thomas, a former Senior Accountant with the City of Newark, represented by Daniel Zirrieth, Esq., and Lynsey Johnson, Esq., requests counsel fees in accordance with the Merit System Board decision rendered on January 7, 2004.

ACTION: The Merit System Board granted counsel fees in the amount of \$1, 608.

B-31 THOMAS PAPPAS

The City of Paterson (City), represented by Steven S. Glickman, Esq., petitions the Merit System Board for reconsideration of the final administrative decision, rendered on April 6, 2005, in which the Board ordered the City to immediately reinstate Thomas Pappas to his position, provide Pappas his back pay award plus interest, and ordered the City to pay fines of \$10,000. In addition, Pappas petitions the Board to dismiss the charges against him due to the City's failure to comply with the Board's order that the departmental hearing be held within 20 days of the Board's decision.

ACTION: The Merit System Board denied the requests.

B-32 CHRISTIAN COFONE

The appeal of Christian Cofone, a Police Officer with the Township of Middletown, of his indefinite suspension effective March 21, 2001 and removal, effective June 23, 2003, on charges, was heard by Administrative Law Judge (ALJ) Ana C. Viscomi, who rendered her initial decision on May 4, 2005. At its meeting on August 10, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a Letter of Reprimand. Rather, the Board remanded the matter to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-33 GARY SCYMANSKI

The appeal of Gary Scymanski, a Police Sergeant with Sparta Township (Township), of his eight-day suspension on charges, was heard by Administrative Law Judge Robert J. Giordano (ALJ), who rendered his initial decision on July 5, 2005. At its meeting on August 10, 2005, the Merit System Board adopted the ALJ's recommendation to reverse the suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-34 CHARLES VENA

The appeal of Charles Vena, a former Emergency Medical Technician with the City of Passaic, of a 15-day suspension and a ten-day suspension, on charges, was heard by Administrative Law Judge Barry N. Frank (ALJ), who rendered his initial decision on June 7, 2005. At its meeting on August 10, 2005, the Merit System Board adopted the ALJ's recommendation to modify the ten-day suspension to a four-day suspension. However, the Board did not adopt the ALJ's recommendation to reverse the 15-day suspension. Rather, the Board modified the 15-day suspension to a six-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-35 KONSTANTI XIROUCHAKIS

The appeal of Konstanti Xirouchakis, a Police Officer with Union Township, of his removal, effective June 4, 2001, on charges, was heard by Administrative Law Judge Stephen G. Weiss (ALJ), who rendered his initial decision on July 5, 2005, upholding the removal. Prior to the matter being presented to the Merit System Board for a final administrative determination, the appellant filed a request to withdraw his appeal. Accordingly, the Board, at its meeting on August 10, 2005, acknowledged the withdrawal of the appellant's appeal with prejudice, which rendered the ALJ's initial decision moot. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-36 MARTIN ABRAMOVITCH

Martin Abramovitch appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the open competitive examination for Recycling Operator (C9734F), Ocean County.

ACTION: The Merit System Board directed that this appeal be granted.

B-37 MARIA A. ADAMO

Maria A. Adamo appeals the determinations of the Division of Selection Services which found that she did not meet the experience requirements for the Deputy Municipal Emergency Management Coordinator (M6867G), Borough of Rutherford, and Office Services Manager (C0909G), Essex County, open competitive examinations.

ACTION: The Merit System Board directed that these appeals be denied.

B-38 KAREN H. ALFRED

Karen H. Alfred appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the promotional examination for Technical Assistant 2 (PS2358N0, Department of Labor.

ACTION: The Merit System Board directed that this appeal be granted.

B-39 DIANNE D. BARRETTTS

Dianne D. Barretts appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Administrative Assistant 1 (PS3759T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-40 ASHANTI BAXTER, ET AL.

Ashanti Baxter, Taneka L. Brooks, Cheryl L. Carmichael, Louis A. DiGrigorio, Kathleen A. Gray, Yvette M. Harris (Barr), Karen L. Johnson, Maureen Johnson, Sharonda O'Neal, Janice Parker, Eva Sharif, Michelle Shufeldt, Lois L. Smith, Valerie B. Tramultola, and Stewart Washington appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements for the open competitive examination for Child Support and Paternity Specialist 3 (S0349F), Department of Human Services.

ACTION: The Merit System Board directed that these appeals be denied.

B-41 DAVID CAULFIELD

David Caulfield appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Supervising Geologist Environmental Protection (PS5259G), Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be denied.

B-42 LYNNE COMPAGNUCCI

Lynne Compagnucci appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Principal Laboratory Technician (Microbiology) (S0416G), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied, but referred the classification matter to the Division of Human Resource Management.

B-43 ADAM CONNER

Adam Conner appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Program Development Specialist 1 (Corrections) (PS4522P), Juvenile Justice Commission.

ACTION: The Merit System Board directed that this appeal be granted.

B-44 LOUIS DESTAFANO, ET AL.

Louis DeStafano, John Duke and David Reimer appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Contract Administrator 2 (PS1986T), Department of Transportation (DOT).

ACTION: The Merit System Board directed that these appeals be denied.

B-45 GALE ERTLE AND EDWARD RUMEN

Gale Ertle and Edward Rumen appeal the determinations of the Division of Selection Services that found that they did not meet the educational requirements for the open competitive examination for Public Information Officer (C0844F), Ocean County.

ACTION: The Merit System Board directed that these appeals be granted.

B-46 MARIE J. FORDNEY

Marie J. Fordney appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Supervising Program Analyst (C3097F), Union County.

ACTION: The Merit System Board directed that this appeal be granted.

B-47 RODNEY E. FOY

Rodney E. Foy appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Assistant Superintendent Residential Group Center (PS3403P0, Juvenile Justice Commission).

ACTION: The Merit System Board directed that this appeal be denied.

B-48 GLORIMAR GONZALEZ, ET AL.

Glorimar Gonzalez, Nadine Love, Carmen Lugo, and Kim Sykes appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Technician, Management Information Systems (PS2258K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that these appeals be denied.

B-49 ANDREA HERRICK

Andrea Herrick appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Administrative Assistant 3 (PS4182T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-50 DAVID LEVENTHAL AND ANDREA MARTINEZ

David Leventhal appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 2 (Data Processing) (PS4635H), Department of Health and Senior Services. Andrea Martinez appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 2 (Data Processing) (PS4635H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that these appeals be denied but referred the classification matters to the Division of Human Resource Management..

B-51 KELLY LONGO

Kelly Longo appeals the determination of the Division of Selection Services which found her ineligible for the promotional examination for Police Sergeant (PM2532G), Lawrence Township.

ACTION: The Merit System Board directed that this appeal be granted.

B-52 DONALD LOWE

Donald Lowe appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, he did not meet the experience requirements for the open competitive examination for Investigator, Consumer Protection (C0885F), Atlantic County.

ACTION: The Merit System Board directed that this appeal be denied.

B-53 DEBORAH MALONEY

Deborah Maloney appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Chief Clerk (PC1182F), Mercer County.

ACTION: The Merit System Board directed that this appeal be denied.

B-54 FIORENTINO MARTUCCI

Fiorentino Martucci appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the open competitive examination for Investigator, County Welfare Agency (C0858F), Essex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-55 ERNEST NOSEDA, JR.

Ernest Nosedo, Jr. appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the open competitive examination for Agricultural Products Agent Trainee (S0430G), Department of Agriculture.

ACTION: The Merit System Board directed that this appeal be denied.

B-56 ANTONIO PADILLA

Antonio Padilla appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the open competitive examination for Recreation Center Director (M0706F), Newark.

ACTION: The Merit System Board directed that this appeal be denied.

B-57 CHARLES RYAN

Charles Ryan appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the promotional examination for Storekeeper 2 (PS2531G), Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be denied.

B-58 GARY SLATER

Gary Slater appeals the determination of the Division of Selection Services which found that he did not meet the educational requirements for the promotional examination for Senior Geologist (Environmental Protection) (PS3119G), Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be denied.

B-59 LARRY SOOY

Larry Sooy appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Chief Emergency Medical Technician (M9442F), Bridgeton City.

ACTION: The Merit System Board directed that this appeal be granted.

B-60 ANTHONY TAGLIAFERRI AND DANIEL POSSIDEL

Anthony Tagliaferri and Daniel Possidel appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the open competitive examination for Recycling Operator (C9734F), Ocean County.

ACTION: The Merit System Board directed that these appeals be denied.

B-61 SHARI TAYLOR

Shari Taylor appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Management Assistant (M6927G), Irvington Township.

ACTION: The Merit System Board directed that this appeal be denied.

B-62 MILAGROS TUCKER

Eileen Shea Pazder, Director of Human Resources, Department of Human Services, on behalf of Milagros Tucker, petitions the Merit System Board for reconsideration of the decision rendered on April 20, 2005 which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Assistant 1 (PS2992K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-63 SHARON TURNER

Sharon Turner appeals the decision of the Division of Selection Services that found that per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Technical Assistant, Classification (PS3535I), Southern State Correctional Facility.

ACTION: The Merit System Board directed that this appeal be granted.

B-64 RICHARD FERRARO, ET AL.

Richard Ferraro, Vincent Giglio, Gordon Holder and David Wentworth (PC2503F), Monmouth County; Mark Chiarolanza, Kenneth Sharrock and James Smith (PC2633F), Morris County; appeal the written examination for Sheriff's Officer Sergeant (various jurisdictions).

ACTION: The Merit System Board directed that these appeals be granted in part.

B-65 MARITZA AHMED

Maritza Ahmed appeals her score on the qualifying examination for Probation Officer (Bilingual in Spanish and English), Statewide.

ACTION: The Merit System Board directed that this appeal be denied.

B-66 FRANK CALI

Frank Cali appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3658F), West Orange.

ACTION: The Merit System Board directed that this appeal be denied.

B-67 LIANNA CROSWELL

Lianna Crosswell appeals her score on the open competitive examination for Human Services Specialist 1 (C0888F), Union County.

ACTION: The Merit System Board directed that this appeal be denied.

B-68 DARREN DANGLER

Darren Dangler appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3658F), West Orange.

ACTION: The Merit System Board directed that this appeal be denied.

B-69 BEVERLY FRANTZ

Beverly Frantz appeals her score on the promotional examination for Human Services Specialist 3 (PC0635F), Warren County.

ACITON: The Merit System Board directed that this appeal be denied.

B-70 PATRICK KELLEHER

Patrick Kelleher appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3654F), Roselle.

ACTION: The Merit System Board directed that this appeal be denied.

B-71 KEVIN MCCANN

Kevin McCann appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM365eF), New Brunswick City.

ACTION: The Merit System Board directed that this appeal be denied.

B-72 ROBERT PALMERO

Robert Palmero appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3615F), Atlantic City.

ACTION: The Merit System Board directed that this appeal be denied.

B-73 CHRISTOPHER SCHWARTZ

Christopher Schwartz appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Analyst 2 Health Care Facilities (Mental Health Services) (PS5180K0, Division of Mental Health Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-74 SENIOR UNEMPLOYMENT INSURANCE CLERK (PS2349N), ET AL.

Virginia Wolf, Senior Staff Representative, CWA Local 1034, appeals the determination of the Division of Selection Services to eliminate 10 questions from the examinations for Senior Unemployment Insurance Clerk (PS2349N), Senior Unemployment Insurance Clerk Bilingual Spanish/English (PS2351N), Unemployment Insurance Clerk Bilingual Spanish/English (PS2822N), Unemployment Insurance Clerk, Reemployment Call Center (PS1950N), and Unemployment Insurance Clerk, Reemployment Call Center Bilingual Spanish/English (PS1951N) and its decision to rescore the examinations.

ACTION: The Merit System Board directed that this appeal be denied.

B-75 ANTHONY SPEZIO

Anthony Spezio appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3563F), New Brunswick City.

ACTION: The Merit System Board directed that this appeal be denied.

B-76 DEAN WOURNELL

Dean Wournell appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3653F), New Brunswick City.

ACTION: The Merit System Board directed that this appeal be denied.

B-77 MITCHELL DINNERSTEIN

Mitchell Dinnerstein appeals the promotional announcement issued for Supervising Maintenance Repairer (PC1663F), Ocean County Board of Social Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-78 JOHN C. MCCORMACK

John C. McCormack appeals the promotional announcement for Supervisor, Technical Services, Taxation (PS6000U), Department of the Treasury.

ACTION: The Merit System Board directed that this appeal be denied.

B-79 PETER EGAN, JR. ET AL.

Peter Egan, Jr., Police Lieutenant (PM2609F), West Orange Township; David Gotha, Police Lieutenant (PM2611F), Wood-Ridge Borough, Leonard Cottrell, Police Lieutenant (PM2618F), Fort Lee Borough; and Robert Kronyak, Jr., Police Lieutenant (PM2621F), Wanaque Borough appeal the administration for their respective examinations.

ACTION: The Merit System Board directed that this appeal be denied.

B-80 THOMAS LESNIAK

Thomas A. Brettell, Ph.D., Director, Office of Forensic Sciences, Division of State Police, on behalf of Thomas Lesniak, appeals the administration of the promotional examination for Forensic Scientist 3, Law and Public Safety (PS1164P), Division of State Police.

ACTION: The Merit System Board directed that this appeal be denied.

B-81 ROBERT CHELOC

Robert Cheloc challenges the validity of the open competitive examination for Assistant Municipal Court Director (M6936G), Jersey City.

ACTION: The Merit System Board directed that this appeal be denied.

B-82 ROBERT CEDENO

Robert Cedeno requests a make-up examination for the open competitive examination for Probation Officer (Bilingual in Spanish and English) (S0432G).

ACTION: The Merit System Board directed that this appeal be granted.

B-83 MOHAMMAD T. CHAND

Mohammad T. Chand, represented by Sarah A. Evans, Staff Representative, CWA Local 1040, appeals the decision of the Division of Human Resource Information Services (HRIS), which changed his anniversary date.

ACTION: The Merit System Board directed that this appeal be granted.

B-84 LARRY MARINO

Larry Marino requests that he be appointed to Police Captain (PM3563F), Phillipsburg via waiver of the examination pursuant to N.J.A.C. 4A:4-2.7(a).

ACTION: The Merit System Board directed that this appeal be denied.

B-85 LACY PHELPS

Lacy Phelps, represented by Lynsey Johnson, Esq., requests a retroactive appointment date for seniority purposes to an unspecified date in 1997 be applied to his score for the examination for Fire Captain (PM3509F), Camden City.

ACTION: The Merit System Board directed that this appeal be denied.

B-86 JOSEPH L. SCALZO

Joseph L. Scalzo, a Sheriff's Officer Lieutenant with the County of Monmouth requests a retroactive date of appointment.

ACTION: The Merit System Board directed that this appeal be denied.

B-87 DONALD LEONE

Debra Weipz, a Senior Building Maintenance Worker with Ocean County, represented by Colleen B. Reilly, Senior Staff Representative, Communications Workers of America Local 1034 (CWA), appeals the reclassification of Donald Leone that resulted in his appointment to the Supervisor, Building Service title.

ACTION: The Merit System Board directed that this appeal be granted.

B-88 RECENT COURT DECISIONS

Submitted for the Board's review are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Military Service Credit for State Teachers (378 N.J. Super. 277 [App. Div. 2005])*; *In the Matter of Joseph Hornick, City of Long Branch* (Appellate Division, decided 6/8/05); *In the Matter of Edward K. Melton v. Merit System Board and Department of Transportation* (Appellate Division, decided 6/8/05); *In the Matter of Frank Slaney* (Appellate Division, decided 6/14/05); *In the Matter of Joseph Freitas, III and Maria Todaro, Superintendent of Weights and Measures (PC1814D) Union County* (Appellate Division, decided 6/17/05); *In the Matter of Charles Motley* (Appellate Division decided 6/20/05); *In the Matter of Wayne Truex, Lakewood Township* (Appellate Division, decided 6/20/05); *In the Matter of Raymond Hallock, Lakewood Township* (Appellate Division, decided 6/21/05); *In the Matter of Rochelle Rosen, Marlboro Township* (Appellate Division, decided 6/24/05); *In the Matter of Abdul Rahman Saleem v. Merit System Board and County of Essex* (Appellate Division, decided 6/24/05); and *In the Matter of Shane Streater* (Appellate Division, decided 6/24/05).

ACTION: The Merit System Board noted the decisions.

B-89 MERIT SYSTEM BOARD MINUTES

The Minutes of the Merit System Board Meeting of August 10, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of August 10, 2005.

B-90 TRAVIS RAGLAND

Travis Ragland appeals his rejection as a Police Officer by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of medical unfitness to perform the duties of the position. This matter was held over from the Merit System Board meeting of August 10, 2005.

ACTION: The Merit System Board directed that this appeal be granted.

B-91 SEI BOAYUE

Sei Boayue, a Senior Correction Officer at the Central Reception and Assignment Facility, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-92 KATHLEEN L. STATON

Kathleen L. Staton, a Senior Correction Officer with the Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-93 LAURA C. BONILLA

Laura C. Bonilla appeals the decision of Human Resource Information Services which upheld the removal of her name from the Sheriff's Officer (S9999D), Hudson County, eligible list on the basis that she did not complete preemployment processing.

ACTION: The Merit System Board directed that this appeal be granted.

B-94 DAVID BON SANTO

David Bonsanto appeals the determination of the Division of Human Resource Information Services which found that the appointing authority presented sufficient basis to remove his name from the eligible list for County Correction Officer (S9999D), Passaic County on the basis of an unsatisfactory criminal background.

ACTION: The Merit System Board directed that this appeal be granted but reflected as bypassed on the certification.

B-95 MECHANIC (M0013D), MARLBORO TOWNSHIP

Marlboro Township, represented by Parthenopy A. Bardis, Esq., requests permission not to make an appointment from the certification for Mechanic (M0013D), Marlboro Township.

ACTION: The Merit System Board granted the request for appointment waiver but assessed selection costs.

B-96 NICOLAS LAMBOY

Nicolas Lamboy, a Senior Correction Officer at the Albert C. Wagner Youth Correctional Facility, Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division (EED), with the DOC that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be granted, but directed that no further action is required.

B-97 STANLEY MOLNAR

Stanley Molnar, a former Sergeant First Class with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Assistant Attorney General, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-98 SHEILA BRUNO

Sheila Bruno, a Senior Parole Officer with the State Parole Board, appeals the decision of the Reasonable Accommodation Coordinator, which provided her options in response to her request for reasonable accommodation.

ACTION: The Merit System Board directed that this appeal be granted.

B-99 EDGAR DIAZ

Edgar Diaz, a former Custodial Worker with the Newark School District, represented by John A. Boppert, Esq., requests the Merit System Board reinstate the appeal of his removal on charges effective March 20, 2005, which was dismissed on the basis of the appellant's failure to appear at his January 7, 2005 hearing.

ACTION: The Merit System Board denied the request.

B-100 THOMAS PASSERELLA

Thomas Passerella, a former Sheriff's Officer with the Mercer County Sheriff's Office, represented by Sidney H. Lehmann, Esq., and Kevin Larkin, the Mercer County Sheriff petition the Merit System Board to acknowledge the settlement agreement reached by the parties.

ACTION: The Merit System Board acknowledged the settlement.

B-101 KAREN JENKINS

Karen Jenkins, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by William G. Blaney, Esq., petitions the Merit System Board for a stay of its decision in *In the Matter of Karen Jenkins*, (MSB, decided June 22, 2005), which granted the Department of Corrections' request to amend its witness list and present the testimony of an alternative expert witness, pending a determination on her Motion for Leave to Appeal to the Appellate Division.

ACTION: The Merit System Board denied the request.

B-102 HENRY HILL

Henry Hill, represented by Allan C. Roth, Esq., requests reconsideration of the final administrative determination in *In the Matter of Gary Bertsch, Police Lieutenant (PM2599F), Ringwood* (MSB, decided February 9, 2005).

ACTION: The Merit System Board denied the request.

B-103 JOSEPH HOMEIER

Joseph Homeier requests reconsideration of the decision rendered on May 18, 2005, by the Merit System Board which found him to be psychologically unfit for a position of Correction Officer Recruit, Juvenile Justice (S9999D), Juvenile Justice Commission.

ACTION: The Merit System Board denied the request.

B-104 JOSEPH HOMEIER

Joseph Homeier requests reconsideration of the decision rendered on May 18, 2005 by the Merit System Board which found him to be psychologically unfit for a position as a Correction Officer Recruit, (S9999D), Department of Corrections.

ACTION: The Merit System Board denied the request.

B-105 JAMES FLAGG

The appeal of James Flagg, a Truck Driver with the City of Newark, of his removal effective September 20, 1996, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on January 11, 2005. At its meeting on July 27, 2005, the Merit System Board adopted the ALJ's recommendation to modify the removal to a six-month suspension. However, the Board modified the award of back pay from January 1, 2001 through May 6, 2005. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

VOTE:

Rolando Torres, Jr.	(Yes)
Flavella Branhan	(Abstained)
John Currie	(Yes)
Margaret E. L. Howard	(Yes)
Robert J. Long	(Yes)

B-106 FRANK DANNER, ET AL.

Frank Danner, Valerie Frankie and Sharon Walinski petition the Merit System Board for reconsideration of the decision rendered on June 20, 2005 which found that they did not meet the experience requirements for the promotional examination for Assistant Field Services Supervisor, Family Development (PS1829K0, Division of Family Development.

ACTION: The Merit System Board denied the requests.

B-107 SHARON DIAZ, ET AL.

Sharon Diaz, Bertha McCoy, Sandra Nicholas, and Monique Spencer appeal the determinations of the Division of Selection Services that per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Examiner, Unemployment Tax (PS4129N), Department of Labor and Workforce Development. Bhanu Patel appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the Examiner, Unemployment Tax (PS4129N), Department of Labor and Workforce Development promotional examination.

ACTION: The Merit System Board directed that these appeals be denied.

B-108 MARY DIMATTIA

Mary DiMattia appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Program Development Specialist 2 (PS3889D), Department of Community Affairs.

ACTION: The Merit System Board directed that this appeal be granted.

B-109 ROBERT MAIKIS

Robert Maikis appeals the determination of the Division of Selection Services that he did not meet the educational requirement for the open competitive examination for Fiscal Officer (C6207F), Sussex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-110 LAWRENCE MUKA

June Levy, Assistant Director, Division of Consumer Affairs, Office of the Attorney General, on behalf of Laurence Muka, appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the promotional examination for Network Administrator 2 (PS2766P), Division of Consumer Affairs.

ACTION: The Merit System Board directed that this appeal be granted.

B-111 LESLIE TAYLOR

Leslie Taylor appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Office Supervisor (PS4431K0, Division of Youth and Family Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-112 RICHARD VANDERHOEF

Richard Vanderhoef appeals the determination of the Division of Selection Services that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Examiner, Unemployment Tax (PS4129N), Department of Labor and Workforce Development.

ACTION: The Merit System Board directed that this appeal be granted.

B-113 RANDY BOOKER

Randy Booker appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3653F), New Brunswick City.

ACTION: The Merit System Board directed that this appeal be denied.

B-114 ZACHARY MUSE

Zachary Muse appeals his score for the oral portion of the examination for Police Captain (PM3544F), East Orange.

ACTION: The Merit System Board directed that this appeal be denied.

B-115 MICHAEL MICELI, ET AL.

Michael Miceli (PM3539F), Bloomfield; James McKenna and Tyrone Torner (PM3545F), Elizabeth; Edmund Shanoskie (PM3546F), Ewing Township; Mark Competello, Nicholas Manente and John Rutkowski (PM3549F), Hoboken; Jaime Oliveira (PM3550F), Irvington; Kevin Craig (PM3551F), Jefferson Township; Scott Macfie, Thomas Osborne and Gregory Reed (PM3552F), Kearny; David Parota (PM3554F), Lacey Township; Ronald Van Kluyve (PM3562F), Paterson; Mark Christensen (PM3564F), Roselle; Michael Corcoran and Matthew Feula (PM3570F), West Orange; and Michael Gilmartin (PM3572F), Fort Lee; appeal the written examination for Police Captain (various jurisdictions).

ACTION: The Merit System Board directed that these appeals be granted in part.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, September 21, 2005, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD**