A-20

STATE OF NEW JERSEY

In the Matter of Cashteal Cooley
City of Newark
Police Department

CSC DKT. NO. 2011-1562
OAL DKT. NO. CSV 11156-10

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

ISSUED: February 5, 2015 PM

The appeal of Cashteal Cooley, a Police Officer with the City of Newark, Police Department, 90 working day suspension, on charges, was heard by Administrative Law Judge Robert Bingham, III, who rendered his initial decision on January 9, 2015. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on February 4, 2015, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission grants the motion to dismiss the appeal for failure to appear without prejudice.

Re: Cashteal Cooley

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
FEBRUARY 4, 2015

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Unit H
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 11156-10

AGENCY DKT. NO. 2011-1562

IN THE MATTER OF CASHTEAL COOLEY,
CITY OF CAMDEN POLICE DEPARTMENT.

Timothy J.P. Quinlan, Esq., for petitioner (Quinlan, Nigro & Kempf, LLC, attorneys)

Caryl M. Amana, Esq., for respondent

Record Closed: December 1, 2014 Decided: January 9, 2015

BEFORE **ROBERT BINGHAM II**, ALJ

By Final Notice of Disciplinary Action (FNDA) dated September 24, 2010, respondent, City of Camden Police Department, issued a ninety-day suspension without pay to appellant, Cashteal Cooley, effective September 28, 2010. Cooley appealed and this matter was transmitted to the Office of Administrative Law (OAL), where it was filed on October 15, 2010, for a hearing. N.J.S.A. 52:154B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The parties reached a settlement that included appellant's resignation, and the undersigned administrative law judge (ALJ) signed an Initial Decision Settlement dated February 28, 2011 (transmitted on March 4, 2011). However, the matter was reopened on March 29, 2011, to cure defects in the parties' settlement agreement.

By letters dated December 27, 2011 (C-1); September 26, 2012 (C-2); August 12, 2013 (C-3); and November 14, 2014 (C-4), the undersigned ALJ requested specific information required to cure the parties' settlement agreement, including: appellant's date of resignation, the number of days served on suspension, and confirmation as to whether wages withheld during suspension were reimbursed. Both parties agree that appellant did in fact resign in or about September 2010, and appellant's attorney has been unable to contact him because his whereabouts are unknown. As specified in this ALJ's letter dated November 14, 2014, and as was discussed in a final telephone conference on November 12, 2014, this matter would be dismissed if the requisite documentation was not filed by December 1, 2014. To date, it has not been received. Despite their efforts that yielded limited information, counsel for the parties ultimately were unable to jointly submit any addendum with all of the required information, and the appellant is unavailable to further his appeal.

Absent exigent circumstances, an appellant's failure to prosecute a matter should generally result in its dismissal. In re Thompson, City of Newark, CSV 05511-06, Final Decision (October 24, 2007), <http://njlaw.rutgers.edu/collections/oal>. Here, where appellant resigned from his position at or about the time of his suspension, the circumstances do not warrant just cause to excuse further delay or appellant's inability to perfect his appeal.

Accordingly, I **CONCLUDE** that appellant has failed to prosecute his appeal which, in any event, has essentially been made moot by virtue of his resignation.

ORDER

Therefore, I **ORDER** that this case be and is hereby **DISMISSED WITH PREJUDICE**.

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.

January 9, 2015
DATE

ROBERT BINGHAM II, ALJ

Date Received at Agency: Jan 9, 2015

Date Mailed to Parties: 1-12-15

/bdt

APPENDIX

EXHIBITS

For Appellant:

None

For Respondent:

None

EXHIBITS

Court:

C-1 ALJ's letter to parties dated December 27, 2011
C-2 ALJ's letter to parties dated September 26, 2012
C-3 ALJ's letter to parties dated August 12, 2013
C-4 ALJ's letter to parties dated November 14, 2014

For Appellant:

None

For Respondent:

None