



STATE OF NEW JERSEY

In the Matter of John Martin, Jr.,
Department of Labor and Workforce
Development

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

CSC Docket No. 2023-1515

Rule Relaxation

ISSUED: February 28, 2023 (SLK)

John Martin, Jr., a former Supervisor 1, Unemployment Benefits with the Department of Labor and Workforce Development (DOL), requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit him to submit a late application for SCOR benefits.

By way of background, Martin retired from State service, effective December 1 2021. In a December 27, 2022 letter, this agency informed the DOL that Martin's application for SCOR was being declined as the application was not filed within one year of the effective date of retirement.

On appeal, Martin believes that he is entitled to compensation for his unused sick leave time based on his 34 years of State service. He presents that he retired on November 30, 2021, and he relocated to Georgia two weeks later. Martin indicates that he completed his pension application in February 2022, and he began receiving his pension in April 2022. Therefore, he states that because he received information concerning his pension at his Georgia address, he had no reason to believe that he was not receiving all important information from all State Divisions. He presents that having mail forwarded from New Jersey to his new Georgia address has been a huge challenge with long delays. Martin states that while the SCOR application package that he received from the DOL was dated October 24, 2022, and labeled as the Final Attempt/Notification, he asserts that he did not receive any prior notices.

Further, he indicates that he did not receive this package until December 5, 2022, and once he did, he quickly returned the completed application with an explanation that he was having issues with his mail being forwarded. He believes that the DOL did not know about his Georgia address prior to him returning his SCOR application. He acknowledges that his SCOR application was submitted after the one-year deadline, but he argues that he should not be penalized due to mail delays. Martin presents that he provided this agency's SCOR unit copies of the postmarked materials, his new home address, and his Georgia's driver's license. He states that he is not blaming anyone concerning the retirement process as the pandemic has interfered with many things, including mail delivery.

In response, the DOL presents that at the time of Martin's retirement, the address that it had on file for him was a New Jersey address. Further, it submits a February 16, 2022, letter from the Department of Treasury regarding his pension indicating his address to be the same as the New Jersey address that it had on file. The DOL indicates that it sent Martin the application to process the SCOR payment to his New Jersey address on file on January 5, 2022, April 18, 2022, with United Parcel Service (UPS) scheduled delivery on April 20, 2022, and on October 24, 2022, with confirmed UPS delivery on October 29, 2022. It provides that after the one-year deadline passed, it received Martin's signed application¹ for SCOR. Martin's response was postmarked December 5, 2022, and the postmarked mailing address indicated his Georgia address. His response also included a statement explaining that he was having difficulty receiving forwarded mail. The DOL presents that this was the first time that it had a record that Martin changed his address. Upon receipt of Martin's response, the DOL provides that it forwarded his application to this agency.

CONCLUSION

N.J.A.C. 4A:6-3.3(a) provides that, upon retirement, an employee is entitled to SCOR to be "computed at the rate of one-half the employee's daily rate of pay for each day of earned and unused accumulated sick leave at the effective date of retirement." *N.J.A.C.* 4A:6-3.4(a) provides that an employee may file an application for SCOR within one year of the effective date of retirement. *N.J.A.C.* 4A:2-1.4(c) provides that the appellant has the burden of proof.

In the instant matter, Martin retired from State service effective, December 1, 2021. However, the record indicates that the postmark for the return of his application to the DOL was December 5, 2022, which was after the one-year deadline as required under *N.J.A.C.* 4A:6-3.4(a). Moreover, as the record indicates that Martin did not provide the DOL with his new address until after his SCOR application was

¹ Martin indicated on his SCOR application that he signed it on November 30, 2022, which was before he claims that he received it on December 5, 2022. The Chairperson notes this is significantly problematic as it appears that Martin may have either indicated a false date on his application, or provided a false date of receipt of the application in this matter.

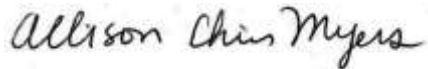
due, which was the main reason for the delay in his receiving the SCOR application from the DOL, Martin's arguments regarding the mail delays and that he received pension information are unpersuasive. Therefore, as the record indicates that there was no administrative error, there is no basis to allow Martin to file a SCOR application after the deadline.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON
THE 27TH DAY OF FEBRUARY, 2023



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