



STATE OF NEW JERSEY

In the Matter of Darciene Dixon,
Department of Children and Families

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

CSC Docket No. 2023-1459

Request for Rule Relaxation

ISSUED: October 23, 2023 (JET)

Darciene Dixon, a former Supervising Family Service Specialist 2 with the Department of Children and Families (DCF), requests that the provisions of *N.J.A.C.* 4A:6-3.4(a), which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit her to submit a late application for SCOR benefits.

By way of background, Dixon retired from State Service, effective August 31, 2021. In a December 5, 2022 decision, this agency informed DCF that Dixon's application for SCOR was being declined as the application was not filed within one year of the effective date of retirement.

On appeal, the appellant states, in relevant part, that she relocated after retiring on September 1, 2021, and misplaced the application for SCOR benefits. The appellant states that she subsequently found the application and returned it to the appointing authority on November 16, 2022. The appellant requests that, although the application is late, her request for SCOR benefits should be granted. It is noted that Dixon's personnel records indicate that she had 752.5 hours of sick leave remaining when she retired.

The DCF indicates that it supports Dixon's appeal and requests that the provisions of *N.J.A.C.* 4A:6-3.4(a) be relaxed, in order to process Dixon's SCOR application.

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” not to exceed \$15,000. *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, Dixon retired from State service on September 1, 2021. However, the record indicates that she did not return her application until November 16, 2022, which was well after the one-year deadline as required under *N.J.A.C.* 4A:6-3.4(a). Dixon acknowledges that she relocated and did not provide DCF with her completed SCOR application until after the one year date to submit it had passed. As such, since Dixon’s untimely filing was based on her error and was not based on any administrative error on the DCF’s part, there is no basis to relax the controlling rules to allow Dixon to file a SCOR application after the deadline.

ORDER

Therefore, it is ordered that this request 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 OCTOBER, 2023



Allison Chris Myers
Chair/Chief Executive Officer
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Darciene Dixon
Linda Dobron
Division of Agency Services
Records Center