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STATE OF NEW JERSEY
DECISION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Matthew Bulzak,
Camden County Department of
Corrections

Administrative Appeal

CSC Docket No. 2016-1696

ISSUED: JAN 18 2017 (WR)

Matthew Bulzak, a County Correction Officer, Camden County Department of Corrections, represented by Christopher Gray, Esq., requests that the Civil Service Commission (Commission) reinstate the appeal of his 30 working day suspension, which was dismissed based on his failure to appear at a settlement conference on February 2, 2016.

The pertinent facts of this matter are as follows: Bulzak was suspended from his position for 30 working days on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause. Bulzak appealed his suspension to the Commission which transmitted the matter to the Office of Administrative Law (OAL). The OAL scheduled the matter for a settlement conference on February 2, 2016. On that date, neither Bulzak nor his counsel appeared for the settlement conference. Based on this absence, the matter was returned to the Commission for a final decision on February 5, 2016.

In support of Bulzak's February 11, 2016 request to reinstate the appeal, Gray indicates in a certification that he was not notified of the settlement conference and therefore did not appear for it. Accordingly, Gray requests that this matter be remanded to the OAL for a hearing.

In response, the appointing authority, represented by Antonieta Paiva Rinaldi, Assistant County Counsel, states that she received the notice for the settlement conference and appeared with her clients on that date. However, she provides no additional argument.

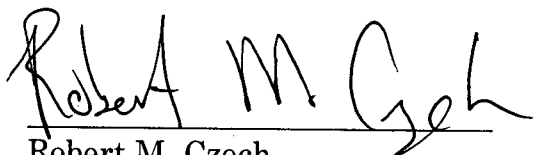
CONCLUSION

In this case, Gray certifies that he never received notice for the February 2, 2016 settlement conference. This contention is unrefuted. *N.J.A.C. 1:1-3.3(b)* provides that any explanation for a failure to appear must be in writing and received by the transmitting agency head within 13 days of the date of the Clerk's notice returning the case. The record in this matter reveals that Gray notified this agency within this 13-day time period of the reason for the failure to appear and Bulzak's desire to continue his appeal. Therefore, as the record indicates that Bulzak did not intend to abandon the appeal of his 30 working day suspension, the Commission finds that to deny him a hearing on the merits of his disciplinary actions would be unjust.

ORDER

Therefore, it is ordered that Matthew Bulzak' request to reinstate his appeal be granted and the matter be transmitted to the OAL for further proceedings.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF JANUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

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and
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