

A-4



STATE OF NEW JERSEY

In the Matter of Toronda Matthews :
Union County, Department of :
Human Services :

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2017-418 :
OAL DKT. NO. CSV 12602-16 :

CSC DKT. NO. 2016-939 :
OAL DKT. NO. CSV 15158-15 :

(CONSOLIDATED)

ISSUED: MARCH 23, 2017 BW

The appeal of Toronda Matthews, Keyboarding Clerk 1, Union County, Department of Human Services, 45 working day suspension and removal, effective July 5, 2016, on charges, was heard by Administrative Law Judge Ellen S. Bass, who rendered her initial decision on February 23, 2017. 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 March 22, 2017, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

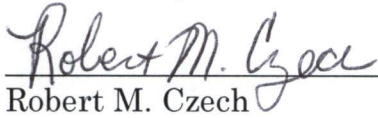
ORDER

The Civil Service Commission dismisses the above appeals based on appellant's failure to appear.

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

Re: Toronda Matthews

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
MARCH 22, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
44 S. Clinton Ave.
P. O. Box 312
Trenton, New Jersey 08625-0312



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

**DISMISSAL FOR FAILURE TO
APPEAR**

OAL DKT. NO. CSV 12602-16
AGENCY DKT. NO. CSC 2017-418

TORONDA MATTHEWS

Appellant,

v.

**UNION COUNTY DEPARTMENT
OF HUMAN SERVICES,**

TORONDA MATTHEWS

Appellant,

v.

**UNION COUNTY DEPARTMENT
OF HUMAN SERVICES,**

OAL DKT NO. CSV 15158-15
AGENCY DKT. NO. CSC 2016-939

Toronda Matthews, pro se

Rachel M. Caruso, Esq., for respondent, (Roth D'Aquanni, attorneys)

Record Closed: February 21, 2017

Decided: February 23, 2017

BEFORE **ELLEN S. BASS, ALJ:**

These are two consolidated petitions of appeal filed by Toronda Matthews, a former employee of the Union County Department of Human Services. Her first appeal (CSV 15158-15) challenged a 45-day suspension, and was transmitted to the Office of Administrative Law (OAL) as a contested case on September 25, 2015. A second appeal challenged her removal, effective July 5, 2016, and was transmitted to the OAL on August 19, 2016 (CSV 12601-16). The two matters were consolidated at the request of the parties via order dated August 29, 2016. See: N.J.A.C. 1:1-17.1. At the time, Ms. Matthews was represented by her union, the Communication Workers of America (CWA); although the representative assigned to assist her changed during the course of the litigation, and most recently was Julia Barocas.

The consolidated matters were scheduled for hearing on January 4, 2017.¹ By letter dated December 28, 2016, Ms. Barocas asked for an adjournment of the hearing. As she cited no reason for her request, I inquired further. She followed with a letter of the same date advising that the CWA was no longer representing Ms. Matthews. That day, I wrote to Ms. Matthews and counsel for Union County, and advised that I would like to schedule a telephone conference to discuss next steps. I confirmed that the CWA had withdrawn its representation; suggested three dates for a telephone conference; and asked the parties to contact my assistant with their availability.

I received no reply from Ms. Matthews and accordingly, issued a notice for a telephone conference for January 30, 2017. That afternoon, my assistant unsuccessfully tried to contact Ms. Matthews via telephone; the numbers we had on record were disconnected. By letter dated January 30, 2017, I alerted Ms. Matthews that we had been unable to reach her. I gave her until February 21, 2017, to contact my assistant and advise where she could be reached by telephone. I indicated that if I did not hear from her I would dismiss her case. I again received no reply.

None of the letters or notices sent to Ms. Matthews were returned to the OAL as undeliverable. They were all sent to the address on record and included in the agency transmittal documents.

¹ The suspension appeal had previously been scheduled for hearing in January 2016, but that hearing was adjourned at the request of the parties, and in anticipation of the filing of the appeal on the removal action.

I **CONCLUDE** that Ms. Matthews' appeal should be dismissed for failure to prosecute; repeated failure to be responsive to correspondence from this tribunal; and for failure to appear at the scheduled status conference. N.J.A.C. 1:1-14.4 provides that, if, after appropriate notice, neither a party nor a representative appears at any proceeding, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge shall direct the Clerk to return the matter to the transmitting agency for appropriate disposition. I have received no explanation for Ms. Matthews' nonappearance.

ORDER

I **ORDER** that the consolidated appeals filed by Ms. Matthews be **DISMISSED**, and I direct the Clerk of the OAL to return the appeals to the transmitting agency per N.J.A.C. 1:1-14.4.

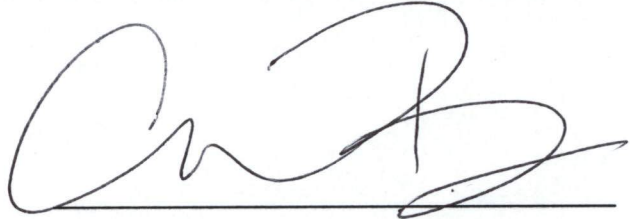
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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.

February 23, 2017

DATE



ELLEN S. BASS, ALJ

Date Received at Agency:

February 23, 2017

Date Mailed to Parties:

FEB 24 2017

Laura Sanders

**DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE**