



A-3

STATE OF NEW JERSEY

In the Matter of Keyon Gaddist,
Hudson County, Department of
Roads and Public Property

CSC DKT. NO. 2017-358
OAL DKT. NO. CSV 12790-16

DECISION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: JUN 23 2017 BW

The appeal of Keyon Gaddist, Building Maintenance Worker, Hudson County, Department of Roads and Public Property, 40 working day suspension, on charges, was heard by Administrative Law Judge Michael Antoniewicz, who rendered his initial decision on May 15, 2017. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

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 (Commission), at its meeting on June 21, 2017, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision to modify the 40 working day suspension to a 30 working day suspension.

Since the penalty has been modified, the appellant is entitled to 10 working days of back pay, benefits, and seniority, pursuant to *N.J.A.C. 4A:2-2.10*. However, the appellant is not entitled to counsel fees. Pursuant to *N.J.A.C. 4A:2-2.12(a)*, the award of counsel fees is appropriate only where an employee has prevailed on all or substantially all of the primary issues in an appeal of a major disciplinary action. The primary issue in any disciplinary appeal is the merits of the charges, not whether the penalty imposed was appropriate. See *Johnny Walcott v. City of Plainfield*, 282 N.J. Super. 121, 128 (App. Div. 1995); *James L. Smith v. Department of Personnel*, Docket No. A-1489-02T2 (App. Div. March 18, 2004); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). In the case at hand, although the penalty

was modified by the Commission, charges were sustained and major discipline was imposed. Thus, the appellant has not prevailed on all or substantially all of the primary issues of the appeal. Consequently, as the appellant has failed to meet the standard set forth at *N.J.A.C. 4A:2-2.12(a)*, counsel fees must be denied.

ORDER

The Civil Service Commission finds that the action of the appointing authority in disciplining the appellant was justified. The Commission therefore modifies the 40 working day suspension to a 30 working day suspension. The Commission further orders that appellant be granted 10 days of back pay, benefits, and seniority. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C. 4A:2-2.10*. Proof of income earned shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. Pursuant to *N.J.A.C. 4A:2-2.10*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay.

Counsel fees are denied pursuant to *N.J.A.C. 4A:2-2.12*.

The parties must inform the Commission, in writing, if there is any dispute as to back pay within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to *R. 2:2-3(a)(2)*. After such time, any further review of this matter should be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
JUNE 21, 2017

A handwritten signature in black ink, appearing to read 'R. Czedo', is written over a horizontal line.

Robert M. Czedo, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P. O. Box 312
Unit H
Trenton, New Jersey 08625-0312

attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 12790-16

AGENCY DKT. NO. 2017-358

**IN THE MATTER OF KEYON GADDIST,
HUDSON COUNTY, DEPARTMENT
OF ROADS AND PUBLIC PROPERTY.**

John Branigan, Esq., for appellant Keyon Gaddist (Law Offices of Oxfeld
Cohen, attorneys)

Nidara Y. Rourk, Assistant County Counsel, for respondent Hudson County
(Donato J. Battista, County Counsel)

Record Closed: April 24, 2017

Decided: May 15, 2017

BEFORE **MICHAEL ANTONIEWICZ**, ALJ:

STATEMENT OF THE CASE

The respondent, County of Hudson, Department of Roads and Public Property, brought a major disciplinary action against appellant Keyon Gaddist (Gaddist). Appellant appeals the substantiated charges and a forty-day suspension imposed by respondent alleging that appellant violated N.J.A.C. 4A:2-2.3(a)(6), conduct

unbecoming a public employee, insubordination, neglect of duty, and other sufficient cause.

PROCEDURAL HISTORY

On June 16, 2016, respondent served appellant with a Preliminary Notice of Disciplinary Action (PNDA) that noted a suspension effective June 8, 2016, without pay. Appellant requested an internal disciplinary hearing, which was held on June 21, 2016. On July 20, 2016, a Final Notice of Disciplinary Action (FNDA) was approved and served upon appellant by way of certified mail. The FNDA sustained the charges of conduct unbecoming a public employee, insubordination, neglect of duty and imposed a forty-day suspension was upheld. Appellant requested an appeal within twenty days of receiving the FNDA.

The New Jersey Civil Service Commission, Division of Appeals and Regulatory Affairs, transmitted the within matter to the Office of Administrative Law (OAL), for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13, where it was filed on August 23, 2016. On September 27, 2016, a prehearing conference was held. A hearing was held in this matter on April 24, 2017, and the record closed thereafter.

FINDINGS OF FACT

The basic facts of this case are not in dispute except for some small variations of a small number of material facts. Based on the documents admitted, the testimony presented, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following **FACTS**:

1. Appellant was hired as a maintenance worker for the respondent and worked as same for a period of nearly eleven years.

2. Appellant's duties included vacuuming, taking out the garbage, mopping, general cleaning and, at the appropriate time, shoveling snow.
3. Appellant's daily shift begins at 3:00 p.m. and ends at 11:00 p.m. His location of work is in the Administration Building/Hudson County Courthouse in Jersey City, New Jersey.
4. On June 8, 2016, appellant arrived at work on time and at a little after 3:00 p.m., appellant's Supervisor, Acosta, asked Gaddist to mop a back area.
5. Gaddist replied that he would mop it later, as was his regular practice as he normally mopped the building at the end of his shift when less people were present in the building.
6. It was not normal practice for Supervisor Acosta to direct appellant to do certain duties first and appellant did not inquire as to why Acosta directed him to perform such tasks at that time.
7. Supervisor Acosta referenced a spill in the back area which needed to be addressed when he directed the appellant to mop this area.
8. At the time appellant arrived at work on June 8, 2016, and began his work duties, he was not wearing his uniform supplied by Hudson County and required by policy to be worn at all times by the employees at work. The purpose of this policy is to identify such employees and for security purposes. The appellant's uniform shirt was in a bag, which appellant had with him but he was not wearing at the beginning of his shift on June 8, 2016.
9. Gaddist did not mop the area as directed by Supervisor Acosta, but performed other tasks such as sweeping and taking out the garbage. Gaddist informed Acosta that he would do the mopping later.

10. After being told to mop the spill area, appellant was sitting at a desk, not in uniform, and using his cell phone.
11. Acosta then reported Gaddist's actions and the failure of Gaddist to mop up as directed to Acosta's Supervisor, Kim Cardella, who was in her office.
12. Cardella then went down to where Gaddist was sitting and found him, not mopping as directed and using his cell phone and eating.
13. Cardella then directed Gaddist to do the tasks he was directed to do and Gaddist responded to Cardella not to yell at him and to watch her tone. Gaddist told Cardella not to speak to him as if he were her child.
14. Gaddist was upset and began yelling back at both Acosta and Cardella and told Cardella to "stop talking to me." Gaddist acted in an aggressive manner.
15. Gaddist continued to engage Cardella in an argument and stated: "Don't talk to me that way." This argument continued in Cardella's office and Gaddist's mother appeared in the area and calmed Gaddist down.
16. After much argument, Gaddist stated that "They were going to get theirs," referring to the two supervisors, i.e., Acosta and Cardella.
17. Based on the tone and tenor of Gaddist's remarks, both Acosta and Cardella took Gaddist's remarks to be a threat directed to them.
18. Cardella then immediately suspended Gaddist based on his threats and contentious behavior.
19. A Notice of Immediate Suspension was issued on June 10, 2016, by Supervisor Kim Cardella which stated that: "an immediate suspension is necessary to maintain safety, health, order or effective direction of public services." (R-2.)

18. After Gaddist's statement, Cardella asked for and received the assistance of a Sheriff's Officer, who directed Gaddist to exit the building.
19. In compliance with the Sheriff Officer's directive, Gaddist then exited the building.

LEGAL DISCUSSION

Credibility Determinations

When the testimony of witnesses is in disagreement, the trier of fact must weigh the witnesses' credibility in order to make factual findings. Credibility is the value that the fact finder gives to testimony of a witness and contemplates an overall assessment of the witness's story in light of its rationality, internal consistency, and manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Credible testimony must proceed from the mouth of a credible witness and must be such as common experience, knowledge, and common observation can accept as probable under the circumstances. State v. Taylor, 38 N.J. Super. 6, 24 (App. Div. 1955); Gilson v. Gilson, 116 N.J. Eq. 556, 560 (E. & A. 1934). A fact finder is expected to base credibility decisions on his or her common sense and life experiences. State v. Daniels, 182 N.J. 80, 99 (2004). Credibility is not dependent on the number of witnesses who appeared, State v. Thompson, 59 N.J. 396, 411 (1971), and the finder of fact is not bound to believe the testimony of any witness. In re Perrone, 5 N.J. 514, 521-22 (1950).

The testimony in this case is consistent with respect to the basic facts. The inconsistency is whether a threat was made to Gaddist's Supervisors. Gaddist denies making such a threat. However, based on the credible testimony of Acosta and Cardella, along with the testimony of Gaddist's mother which, to a certain degree, supports the recollection of Acosta and Cardella, I **FIND** that Gaddist made a threat to both supervisors, whether it was intended a threat or not. I **FIND** that during the argument between the parties, Gaddist made a threat to both Acosta and Cardella,

when he said: "He is going to get it and she is going to get it" as testified by Acosta and Cardella, or "Their time will come," as testified by Gaddist's mother. One can easily interpret such statements as a threat even if not intended in such a manner. In this day and age, we all must be cautious in addressing threats of violence even from people with no history of actual violence.

Based upon the demeanor of the witnesses and the testimony of same, it is clear that appellant was upset when directed by Acosta to mop the back area and then Cardella who also directed Gaddist to follow the directive of Supervisor Acosta to mop the back area. I do question the peaceful manner that Cardella stated she delivered her directive to Gaddist and **FIND** it more credible that it was delivered more in the manner described by Gaddist in his testimony, i.e., in a loud, forceful manner. However, this in no way justifies Gaddist's reaction which I **FIND** to be aggressive, combative, and containing threats.

I further **FIND** that appellant was not innocent in how the situation escalated. I also **FIND** that Cardella was not totally blameless and spoke to Gaddist in a manner which did not and would not defuse the situation, but rather created a greater conflict. Again, I stress that this in no way excuses Gaddist's reaction, leading to threats against Cardella and Acosta.

Importantly, appellant's conduct was clearly inappropriate in that he could have simply followed Acosta's directive and the matter would have ended. If he had done so, there would not have been any further argument. Gaddist's position that he wanted to mop at the end, as he always does, is no justification for his insubordinate behavior.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

The New Jersey Civil Service Law protects classified employees from arbitrary dismissal and other onerous sanctions. Prosecutor's, Detectives and Investigators Ass'n v. Hudson County Bd. of Freeholders, 130 N.J. Super. 30, 41 (App. Div. 1974); Scancarella v. Dep't of Civil Serv., 24 N.J. Super. 65, 70 (App. Div. 1952). The law

provides relief to civil service employees from public employers who may attempt to deprive them of their rights. Prosecutor's, supra, 130 N.J. Super. at 41. To this end, the law is liberally construed. Mastrobattista v. Essex Cty. Park Comm'n, 46 N.J. 138, 147 (1965). Consistent with this policy of civil service law, there is a requirement that in order for a public employee to be fined, suspended, or removed, the employer must show just cause for its proposed action. The Merit System Board is charged with the duty of ensuring that the reasons supporting disciplinary action are sufficient and not arbitrary, frivolous, or "likely to subvert the basic aim of the civil service program." Prosecutor's, supra, 130 N.J. Super. at 42 (quoting Kennedy v. Newark, 178 N.J. 190 (1959)).

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 4A:2-6.2. However, public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). An appointing authority may discipline an employee for sufficient cause, including failure to obey laws, rules and regulations of the appointing authority. N.J.A.C. 4A:2-2.3(a)(12). If sufficient cause is established, then a determination must be made on what is a reasonable penalty.

In attempting to determine if a penalty is reasonable, the employee's past record may be reviewed for guidance in determining the appropriate penalty for the current specific offense. The concept of progressive disciplinary action is described in West New York v. Bock, 38 N.J. 500, 519 (1962). In Bock, the officer had received a thirty-day suspension and seventeen minor disciplinary actions during eight years of service. The prior disciplinary actions and the suspension of thirty days were strongly considered in determining if the thirty-day suspension was warranted. A civil service employee who commits a wrongful act related to his duties may be subject to major discipline. N.J.S.A. 11A:1-2(b), 11A:2-6, 11A:2-20; N.J.A.C. 4A:2-2.2, -2.3(a). Depending upon the incident complained of and the employee's past record, major discipline may include suspension, removal, etc. Bock, supra, 38 N.J. at 522-24.

In disciplinary cases the appointing authority has both the burden of persuasion and production and must demonstrate by a preponderance of the competent, relevant and credible evidence that it had just cause to discipline the officer and lodge the charges. See Coleman v. E. Jersey State Prison, CSV 1571-03, Initial Decision (February 25, 2004), <http://njlaw.rutgers.edu/collections/oal/> (citations omitted); see also N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550, 560 (1982); In re Darcy, 114 N.J. Super. 454, 458 (App. Div. 1971); N.J.S.A. 11A:2-6(a)(2), -21; N.J.A.C. 1:1-2.1, “burden of proof”; N.J.A.C. 4A:2-1.4. A preponderance of evidence has been defined as that which “generates belief that the tendered hypothesis is in all human likelihood the fact.” Martinez v. Jersey City Police Dep’t, CSV 7553-02, Initial Decision (October 27, 2003), <http://njlaw.rutgers.edu/collections/oal/> (quoting Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959)).

Conduct Unbecoming a Public Employee

“Conduct unbecoming” a public employee is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (Pa. 1959)). Such misconduct need not necessarily “be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)).

I **CONCLUDE** that appellant engaged in conduct unbecoming a public employee.

Insubordination

Gaddist is also charged with insubordination. The Civil Service Commission utilizes a more expansive definition of insubordination than a simple refusal to obey an order. In re Chaparro, Initial Decision (November 12, 2010), modified, CSC (March 18, 2011) (citing In re Stanziale, A-3492-00T5 (App. Div. April 11, 2002), <<http://njlaw.rutgers.edu/collections/courts/>> (appellant's conduct in which he refused to provide complete and accurate information when requested by a superior constituted insubordination)); In re Lyons, A-2488-07T2 (App. Div. April 26, 2010), <<http://njlaw.rutgers.edu/collections/courts/>>; In re Moreno, CSV 14037-09, Initial Decision (June 10, 2010), modified, CSC (July 21, 2010), <<http://njlaw.rutgers.edu/collections/oal/>>; In re Bell, CSV 4695-09, Initial Decision (May 12, 2010), modified, CSC (June 23, 2010), <<http://njlaw.rutgers.edu/collections/oal/>>; In re Pettiford, CSV 8804-07, Initial Decision (March 13, 2008), modified, Merit System Board (May 21, 2008), <<http://njlaw.rutgers.edu/collections/oal/>>. (Moreno, Bell, and Pettiford all concerning disrespect of a supervisor.)

The Civil Service Commission also has determined that an appellant is required to comply with an order of his or her superior, even if he or she believed the orders to be improper or contrary to established rules and regulations. See Palamara v. Twp. of Irvington, A-5408-05T3 (App. Div. February 28, 2005), <<http://njlaw.rutgers.edu/collections/courts/>>; Compare, In re Allen, CSV 11160-04, Initial Decision (May 23, 2005), remanded, Merit System Board (July 14, 2005), CSV 09132-05 Initial Decision, (November 22, 2005), adopted, Merit System Board (January 26, 2006) <<http://njlaw.rutgers.edu/collections/oal/>> (in which the Board determined that the appellant's disobedience was justified by concerns for the safety of the clients on a bus and reversed his removal).

In this case, there is really no dispute that Gaddist was insubordinate in dealing with Acosta and Cardella. In fact, at the close of the case, Gaddist's attorney basically conceded as much. There is no dispute by Gaddist that he received a clear directive

from Acosta (to mop the floor at that time) and that he decided not to obey that directive. This is by definition insubordination.

I further **CONCLUDE** that appellant engaged in conduct which amounted to insubordination.

Neglect of Duty

Neglect of duty is not defined under the New Jersey Administrative Code, but the charge has been interpreted to mean that an employee has failed to perform and act as required by the description of their job title. Generally, the term "neglect" connotes a deviation from normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). It has been applied both to not fully carrying out duties and to acting incorrectly. See, e.g., In re Marucci, CSV 07241-09, Initial Decision (January 1, 2010), modified, CSC (March 6, 2010), <<http://njlaw.rutgers.edu/collections/oal/>>, aff'd, A-3607-09T1 (App. Div. January 3, 2012), <<http://njlaw.rutgers.edu/collections/courts/>> (removal of a police officer with no disciplinary record where he failed to remove drugs from under a sewer grate and then lied about his actions); see also In re Dona, CSV 10782-08, Initial Decision (August 3, 2009), modified, CSC (August 8, 2009), <<http://njlaw.rutgers.edu/collections/oal/>> (affirming twenty-day suspension for failing to pat down inmate properly, missing a wooden shank). Certainly, the failure to mop a spill or to mop as needed as told by a Supervisor constitutes a significant omission, and, thus, I further **CONCLUDE** that the respondent has met its burden with regard to the charge of neglect of duty.

Chronic Lateness

No evidence was presented at the hearing regarding chronic lateness that was contained in the Final Notice of Disciplinary Action (R-7). This charge appears to be rescinded and the charge of chronic lateness was withdrawn at the end of the hearing by the respondent.

PENALTY

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 4A:2-6.2. However, public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). An appointing authority may discipline an employee for sufficient cause, including failure to obey laws, rules and regulations of the appointing authority. N.J.A.C. 4A:2-2.3(a)(12). If sufficient cause is established, then a determination must be made on what is a reasonable penalty.

In attempting to determine if a penalty is reasonable, the employee's past record may be reviewed for guidance in determining the appropriate penalty for the current specific offense. The concept of progressive disciplinary action is described in Bock, supra, 38 N.J. at 519. In Bock, the officer had received a thirty-day suspension and seventeen minor-disciplinary actions during eight years of service. The prior disciplinary actions and the suspension of thirty days were strongly considered in determining if the thirty-day suspension was warranted. A civil service employee who commits a wrongful act related to his duties may be subject to major discipline. N.J.S.A. 11A:1-2(b), 11A:2-6, 11A:2-20; N.J.A.C. 4A:2-2.2, -2.3(a). Depending upon the incident complained of and the employee's past record, major discipline may include suspension, removal, etc. Bock, supra, 38 N.J. at 522-24.

In disciplinary cases the appointing authority has both the burden of persuasion and production and must demonstrate by a preponderance of the competent, relevant and credible evidence that it had just cause to discipline the employee and lodge the charges. See Coleman v. E. Jersey State Prison, CSV 1571-03, Initial Decision (February 25, 2004), <http://njlaw.rutgers.edu/collections/oal/> (citations omitted); see also N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550, 560 (1982); In re Darcy, 114 N.J. Super. 454, 458 (App. Div. 1971); N.J.S.A. 11A:2-6(a)(2), -21; N.J.A.C. 1:1-2.1, "burden of proof"; N.J.A.C. 4A:2-

1.4. A preponderance of evidence has been defined as that which "generates belief that the tendered hypothesis is in all human likelihood the fact." Martinez v. Jersey City Police Dep't, CSV 7553-02, Initial Decision (October 27, 2003), <http://njlaw.rutgers.edu/collections/oal/> (quoting Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959)).

In the present case, appellant had two previous disciplinary actions of a similar nature for which he received two separate five-day suspensions with the County taking no progression in order to make the discipline more severe. In light of this inaction by the respondent and the facts set forth in the hearing, I **CONCLUDE** that the appropriate penalty in this matter is a thirty-day suspension, which I believe to be more in accordance with the principles of progressive discipline.

ORDER

Based upon the foregoing and the Notice of Final Disciplinary Action, it is hereby **ORDERED** that the charges of conduct unbecoming an employee, neglect of duty, and insubordination are all **SUSTAINED**.

It is further **ORDERED** that the determination of respondent, Hudson County, Department of Roads and Public Property, to suspend appellant for forty days, effective June 8, 2016, be **REVERSED** and a suspension of thirty days be imposed.

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, P.O. 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.

5/15/17
DATE


MICHAEL ANTONIEWICZ, ALJ

Date Received at Agency:

5/15/17

Date Mailed to Parties:

MAY 16 2017

jb



DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

APPENDIX

WITNESSES

For Appellant:

Keyon Gaddist

Jamie Gaddist

For Respondent:

Orestes Acosta

Kim Cardella

EXHIBITS

For Appellant:

None

For Respondent:

- R-1 Memo written by Supervisor Acosta dated June 10, 2016
- R-2 Notice of Immediate Suspension dated June 10, 2016
- R-3 E-mail from Kim Riscart (Cardella) to Denise Dalessandro and Ralph Sax dated June 10, 2016
- R-4 Memorandums from Kim Riscart-Cardella dated May 11, 2016, and dated October 15, 2015, with sign-in sheet
- R-5 Notice of Minor Disciplinary Action dated December 23, 2009
- R-6 Notice of Minor Disciplinary Action dated August 20, 2008
- R-7 Final Notice of Disciplinary Action (31-B) dated July 20, 2016