

A-6



STATE OF NEW JERSEY

In the Matter of Ellen Russell
Vineland Developmental Center,
Department of Human Services

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKTS. NOS. 2016-4140 & 2016-4141
OAL DKT. NOS. CSV 08808-16 & 08809-16
(Consolidated)

ISSUED:

JUL 28 2017

BW

The appeals of Ellen Russell, Senior Cottage Training Technician, Vineland Developmental Center, Department of Human Services, of two removals effective May 24, 2016, on charges, were heard by Administrative Law Judge Jefferey R. Wilson, who rendered his initial decision on June 12, 2017. No exceptions were filed.

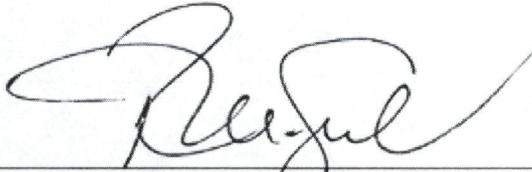
Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of July 26, 2017, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeals of Ellen Russell.

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
JULY 26, 2017

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

Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. CSV 08808-16
AND CSV 08809-16
AGENCY DKT. NO. 2016-4141
AND 2016-4140
(CONSOLIDATED)

**IN THE MATTER OF ELLEN RUSSELL,
DEPARTMENT OF HUMAN SERVICES,
VINELAND DEVELOPMENTAL CENTER.**

William A. Nash, Esq., for appellant, Ellen Russell (Nash Law Firm, LLC,
attorneys)

Christopher Weber, Deputy Attorney General, for respondent, Department of
Human Services, Vineland Developmental Center (Christopher Porrino,
Attorney General of New Jersey, attorney)

Record Closed: April 10, 2017

Decided: June 12, 2017

BEFORE **JEFFREY R. WILSON**, ALJ:

STATEMENT OF THE CASE

Appellant, Ellen Russell, appeals her removal effective May 24, 2016, as a Senior Cottage Training Technician (SCTT), by respondent, Department of Human Services (DHS), Vineland Developmental Center (VDC), for chronic and excessive absenteeism. The respondent alleges that the appellant accumulated approximately fifty-one full days and twenty-three partial days of unauthorized time away from work between January 1, 2015, and February 12, 2016.

PROCEDURAL HISTORY

This matter arises from two separate removal actions initiated by the respondent. The Preliminary Notice of Disciplinary Action (PNDA) on the first was filed on August 21, 2015; the second on February 16, 2016. The Final Notices of Disciplinary Action (FNDA) on the first and second removal action were filed on May 23, 2016. Both actions involve allegations of infractions for chronic and excessive absenteeism, abuse of sick time and unauthorized absences. The actions were initiated in sequence, but were simultaneously finalized on May 23, 2016.

Following a consolidated departmental hearing, the appellant filed a timely appeal of her removal and requested a hearing. The matters were transmitted to the Office of Administrative Law (OAL) where they were filed on May 11, 2016, under Docket Nos. CSV 08808-16 and CSV 08809-16, respectively.

On December 19, 2016, the respondent filed a motion for summary decision. (R-1.) The appellant filed her response on March 27, 2017 (A-1.) The respondent filed its rebuttal brief on April 10, 2017, (R-2) and the record closed.

FACTUAL DISCUSSION AND FINDINGS

The **FACTS** of this case are not in dispute:

The appellant was employed as a SCTT at the VDC since August 16, 1997. (R-1 at Exhibit 1.) The VDC is governed by DHS. Consistent with DHS policy, VDC employees are subject to disciplinary action for excessive absenteeism and related infractions.

On August 27, 2015, the appellant was issued a PNDA, dated August 21, 2015, charging her with four violations of Administrative Order 4:08: Section A-2.11 "Absent from work as scheduled without permission but with giving proper notice of intended absence."; Section A-1.6 "Chronic or excessive absenteeism from work without pay."; Section A-9.7 "Abuse of sick time."; Section E-1.1 "Violation of a rule, regulation, policy, procedure, order or administrative decision; as well as N.J.A.C. 4A:2-2.3(a)(4) "Chronic or excessive absenteeism or lateness." (R-1 at Exhibit 2.)

The PNDA alleged that the appellant accumulated thirty-six full and fourteen partial days of unauthorized absences from January 1, 2015, through August 21, 2015¹. The PNDA also alleges that the appellant "exhausted the total sick time allotted to [her] for 2015, approximately 15 days, by March 6, 2015." Finally, the PNDA noted that appellant's absences violated the DHS policy on attendance and absences (R-1 at Exhibit 11²), and had "a negative impact on the operations of the unit" and "the quality of service" provided to VDC clients. The PNDA sought appellant's removal from employment.

Appellant was also served with a notice dated August 27, 2015, requiring her to provide medical documentation for any absence due to illness or injury until December 31, 2015. (R-1 at Exhibit 4.) The appellant appeared before a VDC hearing officer on May 12, 2016, who recommended that removal be upheld based on appellant's excessive absenteeism and significant history of infractions for absenteeism. (R-1 at Exhibit 5.) On May 23, 2016, respondent issued a FNDA, removing the appellant from service effective May 24, 2016³. (R-1 at Exhibit 6.)

¹ See Time Review Logs (R-1 at Exhibit 3.)

² The appellant acknowledged receipt of the VDC Personnel Circular #95-89 (Time Away from Work for Illness or Injury for Employees) on February 3, 2016. (R-2 at Exhibit 2.)

³ The appeal of this removal was filed with the OAL on June 14, 2016, under OAL DKT. NO. CSV 08808-16.

On February 28, 2016, the appellant was issued a PNDA dated February 16, 2016, charging her with four violations of Administrative Order 4:08: Section A-2-12 "Absent from work as scheduled without permission but with giving proper notice of intended absence; Section A-4.7 "Chronic or excessive absenteeism from work without pay"; Section A-9.8 "Abuse of sick time; and Section E-1.2 "Violation of a rule, regulation, policy, procedure, order or administrative decision; as well as N.J.A.C. 4A:2-2.3(a)(4) "Chronic or excessive absenteeism or lateness"; N.J.A.C. 4A:2-2.3(a)(6) "Conduct unbecoming a public employee"; and N.J.A.C. 4A:2-2.3(a)(12) "Other sufficient cause." (R-1 at Exhibit 7.)

The PNDA alleged that the appellant accumulated fifteen full and nine partial days of unauthorized absences from August 22, 2015, through February 16, 2016⁴. Additionally, the PNDA notes that the appellant failed to provide medical documentation as required in connection with four of her absences in January 2016, and February 2016. The PNDA also re-alleges that the appellant "exhausted the total sick time allotted to [her] for 2015, approximately 15 days, by March 6, 2015." Finally, the PNDA noted that the appellant's absences violated the DHS policy on attendance and absences, (R-1 at Exhibit 11) and had "a negative impact on the operations of the unit" and "the quality of services" provided to VDC clients. The PNDA sought appellant's removal from employment.

The appellant appeared before a VDC hearing officer on May 12, 2016, who recommended that removal be upheld based on appellant's excessive absenteeism and significant history of infractions for absenteeism. (R-1 at Exhibit 9.) On May 23, 2016, respondent issued two FNDA's, removing the appellant from service effective May 24, 2016⁵. (R-1 at Exhibit 10.)

On June 1, 2016, appellant's Report of Separation or Transfer Work Sheet was forwarded to VDC payroll. (R-2 at Exhibit 5.) The Work Sheet indicated that as of May 24, 2016, the appellant had a balance of negative thirty-two sick leave days; no vacation

⁴ See Time Review Logs (R-1 at Exhibit 8.)

⁵ The appeal of this removal was filed with the OAL on June 14, 2016, under OAL DKT. NO. CSV 08809-16.

days; negative four administrative leave days; no compensatory time; and no days in her paid leave bank.

Since 2000, the appellant has received twenty-three disciplinary actions for excessive absenteeism or similar offenses, excluding the two at hand. Progressive discipline included oral counseling, written warnings and a total of one hundred nineteen days of suspension. The current removal actions constitute her sixth and seventh infractions for excessive absenteeism, her seventh and eighth infractions for abuse of sick time, and her eleventh and twelfth infractions for unexcused absences. (R-1 at Exhibit 12.)

In 2003, the appellant received a five-day suspension for three unexcused absences. In 2005, she was suspended once for five days for excessive absences (sixteen and two partial days), and a second time that year, for one day for abuse of sick leave. In 2008, the appellant received a three-day suspension for excessive and unauthorized absences (eighteen total days). She was suspended five days in 2009 for unauthorized absences (thirteen per the PNDA and six per the settlement agreement). In 2010, she was suspended for twenty days following two actions for removal based upon a myriad of excessive and unauthorized absences between October 2009 and May 2010.

Pursuant to an October 16, 2014, settlement agreement, the appellant received a forty-five day suspension for unauthorized absences and abuse of sick leave occurring in 2013. That settlement agreement required the appellant to attend counseling with the employee advisory service, established pursuant to N.J.A.C. 4A:6-4.10. (R-2 at Exhibit 3.) The appellant attended her initial meeting, but never returned for scheduled follow-up visits. (R-2 at Exhibit 4.)

LEGAL ANALYSIS AND CONCLUSIONS

N.J.A.C. 1:1-12.5(b) provides that a motion for summary decision may be granted if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the

moving party is entitled to prevail as a matter of law. See also Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995). The opposing party must submit responding affidavits showing that there is indeed a genuine issue of material fact, which can only be determined in an evidentiary proceeding, and that the moving party is not entitled to summary decision as a matter of law. Failure to do so, entitled the moving party to summary judgment. Id. at 520.

Moreover, even if the non-moving party comes forward with some evidence, the courts must grant summary judgment if the evidence is “so one-sided that [moving party] must prevail as a matter of law.” Id. at 536. If the non-moving party’s evidence is merely colorable, or is not significantly probative, summary judgment should not be denied. See Bowles v. City of Camden, 993 F. Supp. 255, 261 (D.N.J. 1998). However, “the court must grant all the favorable inferences to the non-movant.” Brill, supra, 142 N.J. at 536.

In her responsive papers, the appellant does not dispute any of the facts as presented by the respondent. Instead, she claims that she suffers from depression and has been under the care of Robert S. Patitucci, MD⁶ for depression. She further claims that she “provided doctor notes to her employer and certainly would have provided any medical evidence required.” (A-1 at Affidavit of Appellant.) In support of these claims, she provides a document titled “Work”, dated January 12, 2017. (A-1 at Exhibit B.) This document appears to be from Dr. Patitucci, listing only the thirty-six full days of unauthorized absences included in the first FNDA issued on May 23, 2016. It does not address the fourteen partial days of unauthorized absences. Furthermore, the document does not address any of the full or partial unauthorized days of absence included in the second FNDA issued on May 23, 2016. Most interestingly, this document was not even created until seven months after the within petitions were filed with the OAL.

⁶ Robert S. Patitucci, MD is a primary care provider offering services that include: EKG, Immunizations, Medical Marijuana Program, On-site blood draws, School, Sport and Camp Physicals, Spirometry Testing, Suboxone Program and Well Care for all ages. (A-2 at Exhibit 7.)

In support of her opposition to respondent's motion seeking summary decision, the appellant asserts the following five arguments:

First, the appellant argues that the Civil Service Act (The Act) is to be liberally construed toward attainment of broad tenure protection. This assertion does not serve to dispute any facts. It merely restates the law applicable to the discipline of employees protected by the provisions of The Act. The Act also recognizes that the public policy of this state is to provide appropriate appointment, supervisory and other personnel authority to public officials in order that they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b). To carry out this policy, The Act also includes provisions authorizing the discipline of public employees.

A public employee who is protected by the provisions of The Act may be subject to major discipline for a wide variety of offenses connected to his or her employment. The general causes for such discipline are set forth in N.J.A.C. 4A:2-2.3(a). Here, the appellant is charged with chronic or excessive absenteeism or lateness, N.J.A.C. 4A:2-2.3(a)(4).

Second, the appellant argues that in appeals of major discipline, the appointing authority has the burden of proof to show that its actions are justified. Again, this assertion does not serve to dispute any facts. It merely restates the law applicable to the discipline of employees protected by the provisions of The Act.

In an appeal from major discipline, the appointing authority bears the burden of proving the charges upon which it relies by a preponderance of the competent, relevant and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962); Polk, supra, 90 N.J. 550. The evidence must be such as to lead a reasonably cautious mind to a given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). Therefore, the judge must "decide in favor of the party on whose side the weight of the evidence preponderates, and according to the reasonable probability of truth." Jackson v. Del., Lackawanna and W. R.R., 111 N.J.L. 487, 490 (E. & A. 1933). This burden of proof falls on the agency in enforcement proceedings to prove

violations of administrative regulations. Cumberland Farms v. Moffett, 218 N.J. Super. 331, 341 (App. Div. 1987).

Third, the appellant mistakenly argues that there is no definition as to what constitutes "excessive absenteeism" and therefore each case should be reviewed on its own unique facts. However, "excessive absenteeism" is clearly defined in the DHS Personnel Circular #95-89. (R-1 at Exhibit 11.) The appellant acknowledged receipt of the circular on February 3, 2016. (R-2 at Exhibit 2.) The policy defines "excessive absenteeism" as:

Paid or unpaid days away from the job for illness or injury which exceed six in any six pay periods which does not otherwise require a doctor's certificate...Excessive absenteeism shall also be defined as ten (10) paid or unpaid days for sick purposes in twelve (12) pay periods not otherwise requiring a doctor's certificate.

An identical recitation of the definition of excessive absenteeism is included in the Employee Notices of Medical Evidence Required issued to the appellant on August 27, 2015, (R-1 at Exhibit 4) February 11, 2016, and April 29, 2016. (R-2 at Exhibit 6.)

Fourth, the appellant argues that relevant factors must be considered, including number of absences, the time span between the absences and the negative impact on the workplace. This assertion does not serve to dispute any facts. It merely restates the law applicable to the discipline of employees protected by the provisions of The Act.

Finally, the appellant mistakenly argues that there is a genuine issue of material fact as to the amount of time available to the appellant beyond the fifteen days of sick time she is permitted. It is undisputed that on June 1, 2016, appellant's Report of Separation or Transfer Work Sheet was forwarded to VDC payroll. (R-2 at Exhibit 5.) The Work Sheet indicated that as of May 24, 2016, the appellant had a balance of negative thirty-two sick leave days; no vacation days; negative four administrative leave days; no compensatory time; and no days in her paid leave bank.

I **CONCLUDE** that under the Brill standards this matter is appropriate for summary disposition. The appellant has failed to raise some "colorable inferences" or interested fact regarding her termination and the underlying facts supporting same. The allegations are supported by tangible evidence and the facts presented by the appellant in her opposition papers are insufficient to raise disputed facts in the record. Lo Russo v. State-Operated Sch. Dist. of Jersey City, Essex County, 97 N.J.A.R.2d (EDU) 505, 506 (citing Borough of Franklin Lakes v. Mutzberg, 226 N.J. Super. 46, 57 (App. Div. 1988)).

Accordingly, I **CONCLUDE** that since the appellant failed to submit competent evidential materials to raise a dispute as to a material fact, this matter is ripe to be determined by a motion for summary decision.

DISCIPLINARY ACTION

In appeals concerning major disciplinary actions brought against classified employees, the burden of proof is on the appointing authority. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is by a preponderance of the competent, relevant and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A2-1.4(a); In re Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962).

The Act and the regulations promulgated pursuant thereto govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1 et seq. New Jersey's Civil Service Act is construed liberally in order to protect employees from arbitrary discipline. Mastrobattista v. Essex Cty. Park Comm'n, 46 N.J. 138, 147 (1965); Prosecutors, 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).

A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3. Grounds for discipline include, among other things, insubordination, chronic or excessive absenteeism or lateness, conduct

unbecoming a public employee, and neglect of duty. See N.J.A.C. 4A:2-2.3(a)(2), (4), (6), and (7).

Here, the appellant was charged with chronic or excessive absenteeism or lateness because she was absent without authorization for at least thirty-six full days and fourteen partial days from January 1, 2015, to August 21, 2015, and she was absent without authorization for at least fifteen full days and nine partial days from August 22, 2015, to February 16, 2016. This does not include her sixty-six days of leave of absence without pay from October 20, 2015, to January 19, 2016. (R-2 at Exhibit 1.)

Since 2000, the appellant has received twenty-three disciplinary actions for excessive absenteeism or similar offenses, excluding the two at hand. Progressive discipline included oral counseling, written warnings and a total of one hundred nineteen days of suspension. The current removal actions constitute her sixth and seventh infractions for excessive absenteeism, her seventh and eighth infractions for abuse of sick time, and her eleventh and twelfth infractions for unexcused absences. (R-1 at Exhibit 12.)

An employee may be subject to discipline for chronic or excessive absenteeism. N.J.A.C. 4A:2-2.3(a)(4). While there is no precise number that constitutes "chronic," it is generally understood that chronic conduct is conduct that continues over a long time or recurs frequently. Good v. N. State Prison, 97 N.J.A.R.2d (CSV) 529, 531. Courts have consistently held that excessive absenteeism need not be accommodated, and that attendance is an essential function of most jobs. See e.g., Muller v. Exxon Research and Eng'g Co., 345 N.J. Super. 595, 605-06 (App. Div. 2001) (under the Law Against Discrimination (LAD), excess absenteeism need not be accommodated even if it is caused by a disability otherwise protected by the Act); Svarnas v. AT&T Commc'n, 326 N.J. Super. 59, 79 (App. Div. 1999) ([a]n employee who does not come to work cannot perform any of her job functions, essential or otherwise); see also Dudley v. Calif. Dep't of Transp., 2000 W.L. 328119 (9th Cir. 2000) (a diabetic with frequent absences who failed to provide adequate medical documentation and could not provide a definite return to work date was not a qualified individual).

Furthermore, in Hatcher v. Northern State Prison, CSV 3684-01, Initial Decision (November 18, 2002), <http://njlaw.rutgers.edu/collections/oal/>, the court held that:

[T]here is no way to reasonably accommodate the unpredictable aspect of an employee's sporadic and unscheduled absences. Svarnas v. AT&T Communications, 326 N.J. Super. 59, 77 (App. Div. 1999). As noted by the New Jersey Supreme Court, "just cause for dismissal can be found in habitual tardiness or similar chronic conduct." West New York v. Bock, 38 N.J. 500, 522 (1962). While a single instance may not be sufficient, "numerous occurrences over a reasonably short space of time, even though sporadic, may evidence an attitude of indifference amounting to neglect of duty." Ibid. Especially in times of budgetary constraint, it is important that management utilize existing staff efficiently and effectively. "We do not expect heroics," but "being there," i.e., appearing for work on a regular and timely basis is not asking too much. State-Operated Sch. Dist. of Newark v. Gaines, 309 N.J. Super. 327, 333 (App. Div. 1998).

I **CONCLUDE** that the appellant had been excessively absent from work sufficient to warrant disciplinary charges. The respondent had a right to expect that she would be present at work, willing and able to work. Certainly, respondent is not obligated to continue to employ a person who either cannot or will not perform her job duties on a regular basis. Frequent absences cause disruption in the public work place and create a hardship for the remaining employees, who must absorb the job duties of a person who cannot or will not perform them. I, therefore, **CONCLUDE** that the respondent has met its burden of proof regarding excessive absenteeism in this case.

The Civil Service Commission's recent decision in In re Morales, 2015 WL 8636730, discussed the long-standing legal authorities that support an employer's right to discipline an employee with the penalty of removal. See also N.J.S.A. 11A:2-6(a)(1).

Specifically, chronic absenteeism has been found to be sufficient just cause for the removal of an employee in multiple circumstances. In re Wiley, CSV 48-13, Initial Decision (Nov. 3, 2014), aff'd, Civil Serv. Comm'n (Dec. 17, 2014), <http://njlaw.rutgers.edu/collections/oal/>; In re Ciuppa, CSV 04702-11, Initial Decision (Apr. 24, 2014), aff'd, Civil Serv. Comm'n (Jun. 4, 2014), <http://njlaw.rutgers.edu/collections/oal/>; Brown v. Trenton State Prison, 13 N.J.A.R. 466 (Merit System Board Sept. 7, 1988); In re Pribramsky, CSV 11877-14, Initial Decision (Jul. 23, 2015), aff'd, Civil Serv. Comm'n (Sept. 2, 2015), <http://njlaw.rutgers.edu/collections/oal/>.

PENALTY

Principles of progressive discipline should be considered in the removal actions of civil service employees. Bock, supra, 38 N.J. 500. The determination of whether a specific act supports removal requires an evaluation of the conduct in terms of its relationship to the nature of the position itself and an evaluation of the actual or potential impairment of the public interest that may be expected to result from the conduct in question. Golaine v. Cardinale, 142 N.J. Super. 385, 397 (Law Div. 1976). The frequency, number and continuity of the employer's warnings indicate the progression of the discipline. Ibid. On appeals from disciplinary action, the Merit Board may redetermine guilt or modify a penalty originally imposed. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980). The Board is empowered to substitute its own judgment on the appropriate penalty, even if the local appointing authority has not clearly abused its discretion. Id. at 579. The Board must consider an employee's past record, including both mitigating factors and prior discipline when determining the appropriate penalty to be imposed. Bock, supra, 38 N.J. at 523. The frequency, number and continuity of the employer's warnings, previous discipline and other measures indicate the progression of the discipline. It is clear from the record that the appellant had a history of poor attendance. This history must be considered under the framework of progressive discipline.

The sustained charges against appellant are serious in nature and major disciplinary action is warranted. Based upon the foregoing disciplinary actions and upon the totality of the record, I **CONCLUDE** that removal is the appropriate penalty.

ORDER

It is hereby **ORDERED** that the respondent's motion for Summary Decision is **GRANTED**. The removal of the appellant from her employment as a SCTT with the VDC is hereby **AFFIRMED**. Petitioner's appeal is **DISMISSED**.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, who by law is authorized to make a final decision in this matter. If the Superintendent of the Division of State Police 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 **CIVIL SERVICE COMMISSION – DIVISION OF APPEALS AND REGULATORY AFFAIRS, 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.

DATE

6-12-17

JEFFREY R. WILSON, ALJ

Date Received at Agency:

June 12, 2017

Date Mailed to Parties:

June 12, 2017

JRW/dm

APPENDIX

WITNESSES

For Appellant:

None

For Respondent:

None

EXHIBITS

For Appellant:

A-1 Appellant's brief filed with the Office of Administrative Law on March 27, 2017

For Respondent:

R-1 Respondent's brief filed with the Office of Administrative Law on December 19, 2016

R-2 Respondent's brief filed with the Office of Administrative Law on April 10, 2017