



## STATE OF NEW JERSEY

In the Matter of Patricia Aybar-  
Rodriguez  
Middlesex County Sheriff's Department

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2017-1354  
OAL DKT. NO. CSV 16869-16 and  
PTC 16990-16  
(Consolidated)

ISSUED: NOVEMBER 2, 2018 BW

The appeal of Patricia Aybar-Rodriguez, Sheriff's Officer, Middlesex County Sheriff's Department, removal effective September 20, 2016, on charges, was heard by Administrative Law Judge Kathleen M. Calemme, who rendered her initial decision on August 10, 2018. 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 Commission, at its meeting of October 31, 2018, 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 appeal of Patricia Aybar-Rodriguez.

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 31<sup>ST</sup> DAY OF OCTOBER, 2018



Deirdre L. Webster Cobb  
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

**RECEIVED**

AUG 20 2018

NJ DIVISION OF CRIMINAL JUSTICE  
POLICE TRAINING COMMISSION

**INITIAL DECISION**

**PATRICIA AYBAR-RODRIGUEZ,**

Petitioner,

v.

**MONMOUTH COUNTY**

**POLICE ACADEMY,**

Respondent.

OAL DKT. NO. PTC 16990-16

AGENCY DKT. NO. N/A

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**IN THE MATTER OF PATRICIA  
RODRIGUEZ, MIDDLESEX COUNTY  
SHERIFF'S DEPARTMENT.**

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OAL DKT. NO. CSV 16869-16  
AGENCY DKT. NO. 2017-1354  
**(CONSOLIDATED)**

**Jeffrey S. Ziegelheim, Esq.,** for petitioner/appellant Patricia Aybar-Rodriguez  
(Alterman and Associates, attorneys)

**Benjamin D. Leibowitz,** Senior Deputy County Counsel, for respondent  
Middlesex County Sheriff's Office (Thomas F. Kelso, County Counsel)

**Steven W. Kleinman,** Special County Counsel, for respondent Monmouth County  
Police Academy (Andrea I. Bazer, County Counsel)

Record Closed: June 26, 2018

Decided: August 10, 2018

**BEFORE KATHLEEN M. CALEMMO, ALJ:**

### **STATEMENT OF THE CASE**

In this consolidated proceeding, petitioner/appellant Patricia Aybar-Rodriguez (Aybar-Rodriguez) appeals both her dismissal from the Monmouth County Police Academy (the Academy) and her removal from employment with the Middlesex County Sheriff's Department (Middlesex) for inability to perform her duties. N.J.A.C. 4A:2-2.3(a)(1).

### **PROCEDURAL HISTORY**

On September 19, 2016, the Academy dismissed Aybar-Rodriguez for failing to achieve an average score of eighty percent on the handgun qualification course during firearms training with her issued duty firearm. On October 17, 2016, Middlesex issued a Final Notice of Disciplinary Action (FNDA) removing Aybar-Rodriguez as a sheriff's officer effective September 20, 2016, stating that her employment was conditioned upon completion of the required Academy courses. (RE-10.)

Aybar-Rodriguez appealed to the Police Training Commission (PTC) by letter dated October 3, 2016, and the contested case was transmitted to the Office of Administrative Law (OAL) on November 9, 2016 pursuant to N.J.S.A. 52:14F-1 to -13A. Aybar-Rodriguez appealed Middlesex's decision via letter dated October 26, 2016, and the Civil Service Commission transmitted her appeal to the OAL on November 4, 2016. An order consolidating the two appeals was entered on February 23, 2017, determining that the PTC has the predominant interest with regard to the charges based upon the Aybar-Rodriguez's termination from an approved school or program for failure to meet the standards of N.J.S.A. 52:17B-71 and N.J.A.C. 13:1-7.2(a)(8).

The matter proceeded to hearing on August 2, 2017 and October 11, 2017. Due to difficulty in receiving the transcripts of the hearings, post-hearing submissions were not filed until June 26, 2018, after which I closed the record.

### FINDINGS OF FACT

The underlying facts are uncontroverted, and I **FIND**:

On June 13, 2016, Aybar-Rodriguez was offered employment by Middlesex as a Sheriff's Officer, conditioned upon successful completion of all requirements from a PTC Certified Academy. (RE-1.) On July 25, 2016, Aybar-Rodriguez started her employment with a week-long training program provided by Middlesex that included a day spent in firearms training. Middlesex sent Aybar-Rodriguez to the Academy on August 1, 2016. Prior to starting the Academy, Aybar-Rodriguez was examined by a physician and deemed medically fit to participate in all aspects of the basic course for police officers without limitations. (R-7.)

To graduate from the Academy with a Law Enforcement Officer Certification, Aybar-Rodriguez was required to achieve a minimum qualifying score in handgun training. (R-10 at 19.) Part of her Academy training was geared to develop the skills necessary to obtain firearms qualification. Aybar-Rodriguez received firearms classroom training on September 6, 7 and 8, 2016. (RE-2b.) During classroom training, the recruit learns how the weapon works and the principles of shooting. The next phase is the "dry-training" where weapons are issued without ammunition to focus on the mechanics of drawing and holstering the weapon, gripping the weapon, and squeezing the trigger. After these sessions, Aybar-Rodriguez advanced to live firearms training at the shooting range. She received training on September 9, 2016 and September 12, 2016. (RE-2b.) After the September 13, 2016 firearms training session, Aybar-Rodriguez completed a form that noted her difficulties with her shooting and contained the instructor's comments. (R-3.) This process was repeated after the September 14, 2016 firearms training session with a listing of similar problems. (R-3.) On September 15, 2016, Aybar-Rodriguez took the initial handgun qualification testing. She had a total of 112 hits out of a possible 180 rounds fired, resulting in a score of 62.2 percent which was below the passing score of eighty percent. Aybar-Rodriguez was informed that she failed to shoot a qualifying score and she completed the forms noting her perceived difficulties. (R-3.) On September 15, 2016, Sergeant David Wentworth, the Range Master at the Academy, notified Undersheriff Kevin Harris of Middlesex of Aybar-Rodriguez's results and identified four

problems that contributed to her failure to qualify. (R-4.) Wentworth recommended that Middlesex provide further training designed to help her pass her remedial qualification testing scheduled for September 19, 2016. Aybar-Rodriguez received another training session at the Academy on September 18, 2016. (RE-2b.)

The "Basic Course Firearms Manual" requires additional training for any trainee who fails to qualify and achieve an average score of at least eighty percent. (R-10.) Aybar-Rodriguez was part of a group of six Academy recruits who received remedial firearms training on September 18, 2016 with Firearms Instructor Ken Nguyan of Middlesex. The following day, Aybar-Rodriguez attempted her remedial qualification testing and scored 117 hits out of 180 for a total score of sixty-five percent. Because Aybar-Rodriguez failed to achieve the passing score of eighty percent, she was dismissed from the Academy effective September 19, 2017 (RE-4) and removed from her position as a sheriff's officer (RE-8).

In addition to the evidence that forms the foundation of the above findings of fact, a summary of pertinent testimony follows.

Chief Darryl Breckenridge, Sr. was the Director of the Academy in 2016. He explained that all trainees at the Academy receive training in accordance with the "Basic Course Firearms Manual." (R-10.) Each trainee receives the Academy's "Guidebook" that contains a provision on Firearms Training. (R-11.) On September 19, 2017, as the Academy's director, Breckenridge signed Aybar-Rodriguez's Dismissal Notice for her failure to attain an average score of eighty percent on the handgun qualification course. (R-1.) Director Breckenridge testified that the handguns used by a particular trainee are sent to the Academy by the sending agency. In this case, the handgun used by Aybar-Rodriguez was a .45 caliber, model H&K, determined by Middlesex. Director Breckenridge did not recall anything out of the ordinary about Aybar-Rodriguez's experience at the Academy.

Sergeant David Wentworth was the Range Master at the Academy. After Aybar-Rodriguez failed her qualifying round, Wentworth notified Undersheriff Kevin Harris at Middlesex and identified four areas that contributed to her failing score: 1. Poor sight

alignment and sight picture; 2. Poor trigger control; 3. Poor use of time; and 4. Anticipation. He recommended that Middlesex provide additional training. (R-4.) On cross-examination, Wentworth testified that he was familiar with the H&K and noted that its first trigger pull requires a heavier pull than the second. He also testified that the holster draw is a timing issue that requires repeated practice. The guns and the ammunition given to the recruit are supplied by the sending agency. Aybar-Rodriguez's H&K was issued to her by Middlesex. Instructors were encouraged to identify problems early in the training, so they could be fixed prior to the qualifying rounds. The Academy instructors are all PTC certified. The range instructors stand behind the trainees to coach them as they are firing their shots. There were certain dry-fire exercises that could be performed at night that the recruits were encouraged to practice. However, the trainees were not encouraged to go to a firing range on their own because practice without proper instruction could prove detrimental by reinforcing bad technique. Aybar-Rodriguez's problems were identified during dry-fire training and continued through the live fire sessions and qualifying tests. There were no equipment issues so Wentworth attributed Aybar-Rodriguez's problems to be performance related. He testified that Aybar-Rodriguez never complained about her training. Wentworth only recommended remedial training after Aybar-Rodriguez failed the qualifying test. On cross-examination, Wentworth stated that although the "dummy" gun could be used to practice at home, it is of little use with "holster draw" or trigger pull. Wentworth stated that Aybar-Rodriguez would have benefitted from more range practice with a certified instructor; however, more practice could lead to fatigue which is also detrimental to performance. On re-direct examination, Wentworth was not aware of any regulation that required Middlesex to provide extra practice time or provide a different handgun to a struggling recruit.

Middlesex County Sheriff's Officer Ken Nguyen is a certified firearms instructor who conducted the remedial training session on September 18, 2016 for six Middlesex trainees who failed the qualifying test for handguns. He recalled that Aybar-Rodriguez's problems were with weapon anticipation, trigger control, and time management. He designed drills to help her hold her weapon steady. Her time management issues stemmed from her inability to quickly remove the weapon from her holster. On cross-examination, Nguyen admitted that he did not know anything about Aybar-Rodriguez's

problems until he observed her during remedial training. Aybar-Rodriguez was one of six individuals in Nguyen's remedial class that was held as a four-hour training session.

During the testimony of Undersheriff Kevin Harris of Middlesex on cross-examination, it was determined that of the fifteen recruits in Aybar-Rodriguez's Academy class, six recruits initially failed to qualify for firearms and needed remediation training. Three recruits were subsequently discharged by Middlesex after failing the remediation testing. Harris also testified that the H&K handgun is the required handgun for sheriffs in Middlesex. Therefore, it is used by Middlesex recruits for firearms qualification at the Academy.

Ercilia Riordan was in the same Academy class with Aybar-Rodriguez and a recruit from Middlesex. She failed to pass the handgun qualifying and remediation tests. She testified that she was informed by her instructor during the "dry rounds" that she needed additional training. She stated that Instructor Bruce noticed that certain members of her Middlesex class were struggling with the mechanics of getting the weapon out of the holster and pulling the trigger. Her deficiencies were identified by Instructor Bruce, who told her she needed additional training before the live fire training. Riordan failed the qualifying test for firearms.

Aybar-Rodriguez testified that Middlesex provided one week of training prior to the Academy with one day for firearms. She recalled shooting sixty rounds. There were three instructors for fifteen recruits. Her instructor from Middlesex noted that she did not have strength in her trigger finger and she was "slapping the trigger and anticipating." At the Academy, the firearms training is divided into three parts: classroom instruction; dry-firing where the recruits practice without bullets; and live range firing. Instructor Bruce was her firearms instructor during the dry-firing, before she proceeded to the live range. Bruce pointed out her errors and told her that herself and the other Middlesex recruits needed further training before proceeding to live firing. To ask for additional training from Middlesex, Aybar-Rodriguez stated she went to Andrew Ferreira, who had been designated as their class liaison with Middlesex. She testified that she asked Ferreira whether he could arrange range time with Middlesex for remedial training prior to the live



firing. According to Aybar-Rodriguez, she was told it was not possible for Middlesex to provide any range time.

On cross-examination, Aybar-Rodriguez testified that she was not disputing any of her scores on her training forms. (R-2.) In addition, she did not dispute that the Academy Instructors, including Bruce, tried to help her pass her firearms test. Aybar-Rodriguez admitted that she had never fired a firearm before her training week at Middlesex. She was able to strengthen her trigger finger at home by purchasing a training tool and practicing at home; however, she could not take her handgun home for additional practice. The agency-issued firearms stay at the Academy and cannot be utilized for practice. Aybar-Rodriguez stated that she never contacted Middlesex directly about her need for remedial training but contacted the designated liaison, Andrew Ferreira, for the Middlesex recruits to make the request.

Instructor Bruce and Andrew Ferreira were not called as witnesses to testify at the hearing. The statements attributed to them through the testimony of Riordan and Aybar-Rodriguez are hearsay. Hearsay statements are admissible in an administrative proceeding subject to the "residuum rule," which mandates that the administrative decision cannot be predicated on hearsay alone. Weston v. State, 60 N.J. 36 (1972).

[A] fact-finding or legal determination cannot be based upon hearsay alone. Hearsay may be employed to corroborate competent proof, or competent proof may be supported or given added probative force by hearsay testimony. But in the final analysis for a court to sustain an administrative decision, which affects the substantial rights of a party, there must be a residuum of legal competent evidence in the record to support it.

[Id. at 51.]

The statement attributed to Instructor Bruce that he identified the need for remedial training for certain Middlesex recruits after the dry-firing and prior to the live range firing was corroborated by the testimony offered by both Riordan and Aybar-Rodriguez. In addition, Aybar-Rodriguez's inability to quickly remove her weapon from her holster plagued her throughout firearms training. (R-3.) In addition, Sergeant Wentworth testified

that the instructors' job was to identify problem areas early on so they could be corrected prior to the qualifying test. Therefore, I **FIND** that Instructor Bruce identified that Aybar-Rodriguez was having difficulty with performance after the dry-fire training.

The statement attributed to the liaison, Ferreira, that Middlesex did not have any available range time for remedial training prior to the start of live range training lacks the necessary corroboration. Although I **FIND** that Aybar-Rodriguez asked Ferreira to inquire about remediation training before live training, I cannot find from this record whether Ferreira complied with her request. There is nothing in the record corroborating any conversation that allegedly occurred between Ferreira and Middlesex about additional training.

It was apparent from the tenor of the testimony that the witnesses had no bias toward or against Aybar-Rodriguez. There is no dispute about Aybar-Rodriguez's failing score on the firearm's qualification test. After failing that test, she received remediation firearms training by a certified instructor from Middlesex. During her remediation round of shooting, the following day, Aybar-Rodriguez still failed to qualify by shooting a sixty-five percent instead of the required eighty percent.

The only issue for this appeal was whether Middlesex had an equitable duty to provide additional training or make an accommodation available for a trainee who had been identified by an instructor as having difficulty mastering a required task.

### **CONCLUSIONS OF LAW**

#### **Dismissal from the Monmouth County Police Academy**

A recruit is eligible for certification by the PTC when the Academy director affirms that "[t]he trainee has achieved the minimum requirements set forth in the basic course applicable to his or her appointment and has demonstrated an acceptable degree of proficiency in the performance objectives contained in the particular basic course." N.J.A.C. 13:1-5.1(a)(1). The Academy has the power and responsibility "[t]o implement the required curriculum" and "[t]o dismiss a trainee who has demonstrated that he or she

will be ineligible for Commission certification, for unacceptable behavior or for other good cause." N.J.A.C. 13:1-7.2(a)(8). "Good cause" has been defined as protection from arbitrary discharge, and requires that termination be motivated by legitimate performance-related concerns. See Greenwood v. State Police Training Ctr., 127 N.J. 500 (1992).

N.J.A.C. 13:1-2.1 provides that the rules may be relaxed or dispensed with by the PTC in any instance where it shall be apparent to the Commission that strict adherence would result in an injustice to an individual or a law enforcement agency. However, based upon the facts and circumstances in this matter, and in view of the testimony and evidence in the record, I **FIND** that Aybar-Rodriguez has failed to show how strict adherence to the requirements for handgun qualification would result in an injustice.

I **CONCLUDE** that good cause existed for Aybar-Rodriguez's termination by the Academy. Despite her efforts, Aybar-Rodriguez could not successfully complete the Academy's firearms handgun qualification. She does not contend otherwise. Pursuant to N.J.A.C. 13:1-7.2(a)(8), the Academy has the authority to dismiss a trainee who has demonstrated that she will be ineligible for certification by the PTC. In order for Aybar-Rodriguez to obtain a certification, it was necessary for her to achieve a minimum average score of eighty percent on the three highest consecutive matches during the handgun qualification course. Aybar-Rodriguez failed to achieve the necessary score, having finished her remedial training with an average of sixty-five percent for three matches.

The PTC's "Basic Course Firearms Manual" states that the firearms "[t]raining and qualification for the record shall be conducted with a handgun approved for official duty use by the trainee's law enforcement agency." (R-10 at 11.) Because Middlesex sheriff officers use a .45 caliber H&K handgun, Aybar-Rodriguez was issued a .45 caliber H&K handgun at the Academy. While other jurisdictions may allow for different weapons of varying sizes and dimensions, Middlesex did not offer such an accommodation. Aybar-Rodriguez did not issue any complaints about her weapon. There is nothing in the record to show that Aybar-Rodriguez was treated differently than any of the other trainees from Middlesex. Therefore, I **CONCLUDE** that there is no justification that would permit a relaxation of the rule requiring the trainee to use an agency-issued handgun.

In accordance with the PTC Manual, to pass the firearms qualification, a trainee must achieve an average score of eighty percent on three consecutive firings. If the trainee does not achieve an average score of eighty percent on three consecutive firings, the trainee receives additional training. "This remedial training must be given before the trainee is again allowed to re-attempt qualification." (R-10 at 12.) Aybar-Rodriguez acknowledged that she was given remedial training with six other Middlesex recruits on September 18, 2017 by Middlesex after failing to qualify. However, she maintains that she needed additional training when her difficulties were first discovered after "dry-firing." Aybar-Rodriguez does not dispute that she received the basic course firearms training as detailed on the training calendar. (RE-2B.) Because remedial training must be given after a trainee fails to achieve an average score of eighty percent, I **CONCLUDE** that Aybar-Rodriguez received remedial training prior to her second attempt at qualification. Middlesex provided remedial training at its range on Sunday, September 18, 2016 for four hours under the direction of Nguyen, a certified firearms instructor. In accordance with the PTC Manual, failure to pass the test upon requalification results in dismissal from the Police Academy, and possible dismissal from county employment. Although it appears that Aybar-Rodriguez's difficulties with her handgun were consistent, there is nothing in the record to suggest that her training was not adequate or in keeping with the standards of the Academy. The Academy contends that the rules should not be relaxed when the question is weapon's qualification. There is nothing in the record to support a relaxation of the rules in this instance. I **CONCLUDE** that Aybar-Rodriguez received appropriate handgun training and remedial training in accordance with the PTC Manual but was unable to achieve the required eighty percent qualifying average score.

In this case, Aybar-Rodriguez did not successfully complete basic training because she failed the firearms qualification. Given the clarity of the rules and the consequences of failure, I **CONCLUDE** that the Academy's action in dismissing Aybar-Rodriguez from the basic training course was consistent with applicable law and should be upheld.

**Discharge from the Middlesex County Sheriff's Department**

The Civil Service 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. 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. See N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3.

Middlesex terminated Aybar-Rodriguez's employment due to her inability to perform her duties. That inability was a direct result of her failure to successfully complete the firearms qualification at the Academy. N.J.A.C. 4A:2-2.3(a)(1). I **CONCLUDE** that Middlesex's action was consistent with the statutory scheme. In Gottlieb v. Monmouth County Sheriff's Office, 95 N.J.A.R. 2d (CSV) 573, the administrative law judge held:

The controlling statute, N.J.S.A. 52:17B-68.1, leaves no room for discretion. Before permanent appointment, there must be completion of the Basic Police Training Commission course for correction officers. . . . [C]ivil Service rules do not anticipate continued employment of law enforcement officers who do not complete the Police Training Commission course, if so required. . . .

. . . [T]he New Jersey Department of Personnel and the Merit System Board may only look to the fact, or not, of course completion. Here, there was none. For that reason, with a threshold condition unmet, the appointment must cease.

Accordingly, I **CONCLUDE** that Middlesex's determination to terminate petitioner's employment for failure to complete the Academy, a sine qua non to a permanent appointment, was within the scope of its authority.

**ORDER**

Based on the foregoing, it is hereby **ORDERED** that the action of respondent Monmouth County Police Academy dismissing Aybar-Rodriguez from the basic training course for failing to attain an average score of eighty percent on the handgun qualification course during firearms training is **AFFIRMED**.

I further **ORDER** that the action of respondent Middlesex County Sheriff's Department removing Aybar-Rodriguez is **AFFIRMED**.

I hereby **FILE** this Initial Decision with the **POLICE TRAINING COMMISSION**.

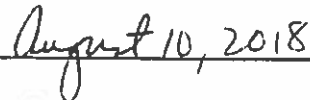
This recommended decision may be adopted, modified or rejected by the **POLICE TRAINING COMMISSION**, which by law is authorized to make the final decision on all issues within the scope of its predominant interest. If the **POLICE TRAINING COMMISSION** does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision on all of the issues within the scope of predominant interest 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 **DEPUTY ATTORNEY GENERAL, POLICE TRAINING COMMISSION, Richard J. Hughes Justice Complex, PO Box 085, Trenton, New Jersey 08625-0085**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

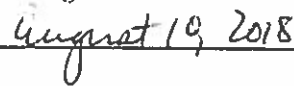
August 10, 2018  
DATE

  
KATHLEEN M. CALEMMO, ALJ

Date Received at **POLICE TRAINING COMMISSION**:

  
August 10, 2018

Date Mailed to Parties:  
cmo

  
August 19, 2018

**APPENDIX**  
**WITNESSES**

**For Petitioner/Appellant:**

Patricia Aybar-Rodriguez  
Ercilia Riordan

**For Respondent Monmouth County Police Academy:**

Darryl Breckenridge  
David Wentworth

**For Respondent Middlesex County Sheriff's Department:**

Ken Nguyen  
Kevin Harris

**EXHIBITS**

**For Petitioner/Appellant:**

None

**For Respondent Monmouth County Police Academy:**

- R-1 Dismissal Notice
- R-2 Basic Course Trainee Score Input Form
- R-3 Instructor/Trainee observations on Firearms Training
- R-4 Trainee Firearms Failure Notification
- R-5 Firearms Range Exercise Notes
- R-6 Firearms Safety Acknowledgement Form
- R-7 Medical Certification Form

- R-8 Rules and Regulations Acknowledgement
- R-9 Recruit Orientation Handouts
- R-10 Basic Course Firearms Manual
- R-11 Guidebook
- R-12 Bull's – Eye Course
- R-13 HQCP#1, #2, and #3 – HQC#1, #2, and #3 – HQCR#1, #2, and #3

**For Respondent Middlesex County Sheriff's Department:**

- RE-1 Offer of Conditional Employment
- RE-2 (a) Middlesex Training Course calendar, (b) Academy Calendar
- RE-3 September 15, 2016 Notification
- RE-4 Dismissal Notice
- RE-5 Internal Affairs Investigation Report
- RE-6 Acknowledgement of Receipt
- RE-7 Loudermill hearing memo
- RE-8 PNDA
- RE-9 Green Return Receipt Cards
- RE-10 FNDA





PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lieutenant Governor*

*State of New Jersey*  
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DEPARTMENT OF LAW AND PUBLIC SAFETY  
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GURBIR S. GREWAL  
*Attorney General*

VERONICA ALLENDE  
*Director*

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PATRICIA AYBAR-RODRIGUEZ,

Petitioner

v.

MONMOUTH COUNTY  
POLICE ACADEMY,

Respondent

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FINAL DECISION

OAL Docket No. PTC 16990-16

OAL Docket No. CSV 16869-16

**(CONSOLIDATED)**


**BY THE COMMISSION:**

The Police Training Commission received the Initial Decision in this matter on August 20, 2018. The Commission requested and was granted an Order of Extension on August 31, 2018, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8. This final decision was rendered within the time limits prescribed by N.J.A.C. 1:1-18.6 and N.J.A.C. 1:1-18.8.

The Police Training Commission, at its meeting of October 3, 2018, considered the attached Initial Decision, dated August 10, 2018 from Kathleen M. Calemme, ALJ. There were no exceptions filed by the parties. The Initial Decision is hereby **ADOPTED** without modification as the **FINAL DECISION** of the Police Training Commission.

This is the final administrative determination by the Police Training Commission in this matter. Any appeal of this Final Decision should be made pursuant to N.J. Court Rules, R. 2:2-3.

POLICE TRAINING COMMISSION

By:   
John F. Cunningham, Designated Chairman

Date: 10-4-18