

In the Matter of Leticia Ortiz Newark School District

CSC DKT. NO. 2017-2334 OAL DKT. NO. CSV 01508-17 FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

ISSUED: APRIL 17, 2019 BW

The appeal of Leticia Ortiz, Custodial Worker, Newark School District, 15 working day suspension, on charges, was heard by Administrative Law Judge Caridad F. Rigo, who rendered her initial decision on March 7, 2019. 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 April 17, 2019, 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 therefore grants the appointing authority's motion for summary decision and dismisses the appeal of Leticia Ortiz.

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 17<sup>TH</sup> DAY OF APRIL, 2019

Devide L. Webster Calib

Deirdre L. Webster Cobb

Acting Chairperson

Civil Service Commission

Inquiries and

Correspondence

Christopher S. Myers

Director

Division of Appeals and Regulatory Affairs

Civil Service Commission

Unit H

P. O. Box 312

Trenton, New Jersey 08625-0312

attachment



INITIAL DECISION
DISMISSAL
OAL DKT. NO. CSV 01508-17
AGENCY DKT NO. 2017-2334

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Petitioner.

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**NEWARK PUBLIC SCHOOLS,** 

Respondent.

Jesse Humphries, Esq., for petitioner (Oxfeld, Cohen, PC, attorneys)

Sabrina Styza, Esq., for respondent (Newark Public Schools, Office of General Counsel)

Record Closed: February 21 2019 Decided: March 7, 2019

BEFORE CARIDAD F. RIGO, ALJ t/a:

## STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner, Leticia Ortiz, a permanent employee of the Newark Public Schools District was suspended from the position of custodial worker for fifteen days effective January 23, 2017 ending February 10, 2017. Petitioner was suspended after a

departmental hearing finding her to have neglected her duty, insubordination and other sufficient cause.

On January 18, 2017, petitioner appealed the suspension and requested a hearing at the Office of Administrative Law (OAL), the matter was transmitted to the OAL for a determination as a contested case. The matter was scheduled for a hearing on September 9, 2017, however the hearing was adjourned because the parties allegedly were close to settlement. It was scheduled again on October 26, 2017, it was not heard because there had been no response from petitioner. It was re-scheduled on February 13, 2018, and it was adjourned because petitioner had not responded.

This matter was re-assigned to the undersigned Administrative Law Judge and the matter was rescheduled for January 17, 2019. On January 17, 2019, petitioner failed to appear. On February 21, 2019, it was rescheduled on a peremptory basis and petitioner failed to appear.

Respondent Newark Public School District moved to dismiss this matter on the grounds that petitioner has failed to appear numerous times.

Based on the above, this tribunal **GRANTS** respondent's motion because of petitioner's failure to appear and prosecute this matter.

## ORDER

It is therefore, ORDERED that this matter is hereby DISMISSED.

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.

March 7, 2019 DATE	CARIDAD F. RIGO, ALJ Va
Date Received at Agency:	March 7, 2019
Date Mailed to Parties:	March 8, 2019