

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF JANUARY, 2020

Deirdre L. Webster Cobb

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Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
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 DISMISSING

WITHOUT PREJUDICE

OAL DKT. NO. CSV 10588-19

AGENCY DKT. NO. 2020-99

**IN THE MATTER OF KIMMICA PANNELL,
MOTOR VEHICLE COMMISSION**

Kimmica Pannell, appellant, pro se

**Nonee Lee Wagner, Deputy Attorney General, for respondent (Gurbir S. Grewal,
Attorney General of New Jersey, attorney)**

Record Closed: November 26, 2019

Decided: December 3, 2019

BEFORE LISA JAMES-BEAVERS, Acting Director:

STATEMENT OF CASE

Appellant Kimmica Pannell (Pannell) appeals the decision of Respondent Motor Vehicle Commission (MVC) dated July 2, 2018 [sic] [2019], which demoted the appellant from Records Technician 3 to her previously held permanent title of Full-time Technician at the end of her working test period (WTP).

PROCEDURAL HISTORY

This matter was transmitted to the Office of Administrative Law (OAL) on August 5, 2019, for a hearing pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The settlement conference on August 27, 2019 was adjourned in advance and the September 26, 2019 one was adjourned at the settlement conference. The settlement conference was held on November 26, 2019.

FACTUAL DISCUSSION AND FINDINGS

On September 26, 2019, the settlement officer advised Pannell, who had appeared pro se, of her right to counsel. She indicated that she would take the opportunity to obtain counsel. However, on November 26, 2019, Pannell appeared pro se, and submitted a notice of appearance. Following the parties setting forth their respective positions, Pannell offered a two-page letter with attachments, in which she indicated her procedural intentions. She asked that the settlement conference be adjourned and her appeal dismissed without prejudice so that the Federal EEOC could continue its investigations of her cases from 2018 to the present. Pannell's letter is attached hereto as Exhibit P-1. The settlement officer reviewed and accepted her letter. Having reviewed Pannell's letter and the file, I will grant Pannell relief in the form of a dismissal of her WTP appeal without prejudice to her refileing same after the conclusion of the EEOC cases should she deem such action appropriate.

In closing, the record should reflect that the settlement officer thoroughly questioned appellant on November 26, 2019 and concluded that this action on her part was voluntary and her own free act and deed, and that she knew exactly what she was doing and wished to accomplish. I accept his representations of what occurred at the settlement conference.

ORDER

For the above reasons, I **ORDER** that appellant's request to dismiss her appeal without prejudice is **GRANTED**.

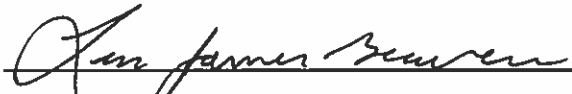
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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.

December 3, 2019

DATE



LISA JAMES-BEAVERS
Acting Director and Chief ALJ

Date Received at Agency:

12-4-19

Date Mailed to Parties:

12-4-19

LJB/nd

APPENDIX

EXHIBITS

For Appellant:

- A-1 Letter from appellant requesting her matter be dismissed without prejudice, with supporting documents, dated November 26, 2019