



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Darsi Beauchamp,  
Morris County, Department of  
Human Services

Reconsideration

CSC Docket No. 2020-1030

ISSUED: JANUARY 17, 2020 (BW)

Darsi Beauchamp, a Program Development Specialist, Community Service with Morris County, Department of Human Services, petitions the Civil Service Commission (Commission) for reconsideration of the attached administrative decision, rendered on August 28, 2019, in which the Director of the Division of Appeals and Regulatory Affairs (Division) denied her request for a hearing with respect to her removal.

By way of background, in a July 10, 2019 Final Notice of Disciplinary Action (FNDA), the petitioner was removed, on charges of failure to perform duties, conduct unbecoming a public employee, insubordination, violation of policy and procedure and other sufficient cause. Specifically, the appointing authority asserted that the petitioner was absent from duty for five or more consecutive business days without the approval of her superior. She was therefore considered to have abandoned her position. Additionally, it indicated that she engaged in an illegal job action as a public employee by intentionally withholding her services from a public employer to pressure the public employer to accede to her demands.

In his denial, the Director indicated that the petitioner was notified by letter dated July 8, 2019 of her removal. The FNDA sent by certified mail was available at her post office box on July 13, 2019, and was sent back as unclaimed on July 30, 2019. Thus, the Director found her appeal, postmarked August 9, 2019, untimely as the petitioner admitted she received the July 8, 2019 letter on July 18, 2019 (copy attached), and her appeal was not filed within 20 days of receiving that notice.

In her petition for reconsideration, the petitioner does not submit any new information regarding the reason her appeal was filed late. Rather, she still claims she never received the FNDA and that Morris County should have sent it certified mail. She further argues that she was told by Division staff on July 24, 2019 to wait for the FNDA before filing the appeal, but also was told to file the appeal without the FNDA after a “few more days.” She also indicates that she did not check her post office box daily. Finally, the petitioner presents arguments regarding the charges filed against her.

In response, the appointing authority, represented by Debra Shannon, Esq., asserts that the petitioner did not present any new or additional information that would change the outcome. Also, she did not demonstrate that a clear material error had occurred. In response to the petitioner’s argument that the appointing authority should have sent the FNDA by certified mail, it provides a copy of the envelope which includes a certified mail sticker and shows that it did send the FNDA by certified mail on July 11, 2019, and that it was returned unclaimed on July 30, 2019. Further, in response to the petitioner’s contention that on July 24, 2019, she spoke to a staff member who told her she needed to wait for the FNDA in order to file the appeal, it argues that she further explained that the same staff member told her to wait only a couple of days, and then file the appeal without the FNDA, and explained the appeal process to her and where to file the form

## CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding, which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. A review of the record in the instant matter reveals that reconsideration is not justified.

*N.J.S.A.* 11A:2-15 provides that appeals from major disciplinary matters be made in writing to the Commission no later than 20 days from receipt of the final written determination of the appointing authority. This 20-day time limitation is jurisdictional and cannot be relaxed or waived. *See Borough of Park Ridge v. Salimone*, 21 *N.J.* 28, 46 (1956); *See also, Mesghali v. Bayside State Prison*, 334 *N.J. Super.* 617 (App. Div. 2000), *cert. denied*, 167 *N.J.* 630 (2001); *Murphy v. Department of Civil Service*, 155 *N.J. Super.* 491, 493 (App. Div. 1978). Further, *N.J.A.C.* 4A:2-2.8(a) states, in pertinent part, that “[a]n appeal from a Final Notice of Disciplinary Action must be filed within 20 days of receipt of the Notice by the employee.” *N.J.A.C.* 4A:2-2.8(b) states that when an appointing authority fails to provide a FNDA, an employee may appeal within a “reasonable time.”

The petitioner indicates, and the record supports that she did not receive the FNDA. However, the evidence in the record clearly indicates that the appointing authority timely sent the FNDA to the correct post office box address. In this regard, the FNDA was sent by certified mail on July 11, 2019, and the certified mail card was placed in her post office box on July 13, 2019. The mailing was ultimately returned as unclaimed on July 30, 2019. Thus, the appointing authority attempted to properly serve the FNDA. The petitioner claims that due to injury and illness she does not check her post office box daily, therefore, she did not receive the FNDA. However, an employee cannot avoid service of a FNDA and have the time frame to appeal extended. Moreover, the petitioner acknowledges that she received the July 8, 2019 letter indicating the results of her departmental hearing and upholding her removal on July 18, 2019. Moreover, the Commission notes that *N.J.A.C. 4A:2-2.8(b)* indicates that where a FNDA is not provided, an appeal may be made within a reasonable time. In this matter, the petitioner's appeal cannot be considered to have been filed within a reasonable time. In this regard, the petitioner admits to receiving notice of her removal via the July 8, 2019 letter, and soliciting Division staff advice on July 24, 2019 which included instructions to file the appeal even without having received the FNDA. Notwithstanding being told to file the appeal, and having ample time at to do so at that juncture within 20 days of receipt of the letter on July 18, 2019, the petitioner nonetheless filed her appeal on August 9, 2019, more than 20 days from her receipt of the letter. Give the above, her appeal on August 9, 2019 cannot be considered timely. Accordingly, the petitioner has not met the standard for reconsideration.

### ORDER

Therefore, it is ordered that this petition be denied.

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 15<sup>TH</sup> DAY OF JANUARY, 2020



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Attachment

- c. Darsi Beauchamp  
Debra Shannon, Esq.  
Allison Stapleton  
Records Center

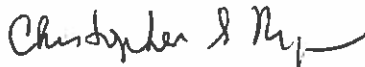


received the letter from the appointing authority on July 18, 2019, upholding her removal.

Since the appeal in this matter was not perfected within 20 days of receipt of the notice of her removal on July 18, 2019, her appeal was not filed within a reasonable time of such notice. Thus, the request for a hearing is denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
DIRECTOR, DIVISION OF APPEALS  
AND REGULATORY AFFAIRS  
ON 8/28/19



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DIRECTOR

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c: Darsi Beauchamp  
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Agency Services  
Pensions