



## STATE OF NEW JERSEY

In the Matter of Lourdes Mateo-  
Casanova, Judiciary, Passaic Vicinage

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2020-845

Administrative Appeal

ISSUED: JANUARY 17, 2020 (BW)

Lourdes Mateo-Casanova, a Judiciary Clerk 2 with the Judiciary, Passaic Vicinage (Judiciary), requests that the Civil Service Commission (Commission) reinstate the appeal of her release at the end of the working test period, which was dismissed based on her failure to appear at the scheduled settlement conference.

The pertinent facts of this matter are as follows: The petitioner was released at the end of her working test period as a Judiciary Clerk 2, effective September 4, 2019. The petitioner appealed this action to the Commission which transmitted the matter to the Office of Administrative Law (OAL) for a hearing as a contested case. The OAL scheduled the settlement conference on October 31, 2019 and sent the Notice of Settlement Conference to the petitioner on October 11, 2019. The petitioner did not appear on October 31, 2019. Based on these facts, the OAL issued a Failure to Appear Notice dated November 4, 2019, which indicated that the petitioner failed to appear at the scheduled time. The Failure to Appear Notice also advised the parties that any excuse for failure to appear must be mailed to the Commission within 13 days of the date of the Notice. Accordingly, the matter was returned to the Commission for a final decision.

In support of the petitioner's request to reinstate her appeal, she initially states that she did not receive the Notice of Settlement Conference, and therefore, did not know that October 31, 2019 was the day of the hearing.<sup>1</sup> However, she also

<sup>1</sup> However, she did receive the Failure to Appear Notice as she submitted it with her request. The addresses on both notices are the same.

states that she had “special circumstances” that hindered her from appearing, namely, a lack of transportation and illness. No further details in that regard are offered. Additionally, she presents substantive arguments as to why her release at the end of the working test period was improper.

In response, the Judiciary indicates that the Notice of Settlement Conference was mailed to the same address as indicated on the petitioner’s appeal letter. Moreover, the Judiciary contends that the petitioner has not demonstrated that a clear material error occurred in the dismissal of her appeal due to her failure to appear, and argues that her request to reinstate the appeal should be denied.

### CONCLUSION

In the instant case, it is clear that petitioner has not sustained her burden of proof. She states that she did not received the Notice of Settlement Conference but also states that she had “special circumstances” that hindered her ability to appear at the settlement conference. However, she has provided no evidence to that effect.<sup>2</sup> OAL sent the Notice for Settlement Conference to the petitioner at his last known address. Moreover, the appellant received the Failure to Appear Notice sent to the same address. There is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 N.J. 614 (1996); *Szczesny v. Vasquez*, 71 N.J. Super. 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Accordingly, given that the petitioner has not presented the Commission with any substantive evidence to excuse her absence, her request to reinstate her appeal is denied.

### ORDER

Therefore, it is ordered that the petitioner’s request to reinstate her appeal be denied.

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

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<sup>2</sup> In this regard, while evidence of illness that would have prohibited the petitioner’s appearance at the conference would be persuasive, evidence of lack of transportation would not as it is each individual’s responsibility to arrange for the means to appear at OAL.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 15<sup>TH</sup> DAY OF JANUARY, 2020

*Deirdre' L. Webster Cobb*

Deirdré L. Webster Cobb  
Chairperson  
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