

In the Matter of John Buckley Department of Military and Veterans Affairs

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2021-153 OAL DKT. NO. CSV 08363-20

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ISSUED: JANAURY 22, 2021 BW

The appeal of John Buckley, Charge Nurse, 12-months, Department of Military and Veterans Affairs, resignation not in good standing effective July 21, 2020, on charges, was heard by Administrative Law Judge Edward J. Delanoy, who rendered his initial decision on December 22, 2020. 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 January 20, 2021, accepted and adopted the attached Administrative Law Judge's initial decision.

## ORDER

The Civil Service Commission affirms the granting of the appointing authority's motion for summary decision and dismisses the appeal with prejudice of John Buckley.

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 20<sup>TH</sup> DAY OF JANUARY, 2021

Derve L. Webster Colob

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 08363-20 AGENCY DKT. NO. 2021-153

IN THE MATTER OF JOHN BUCKLEY,
DEPARTMENT OF MILITARY AND
VETERANS AFFAIRS.

John Buckley, appellant, pro se

Susan C. Sweeney, Administrator, Employee Relations, for respondent Department of Military and Veterans Affairs, pursuant to N.J.A.C. 1:1-5.4(a)2

Record Closed: December 17, 2020 Decided: December 22, 2020

BEFORE EDWARD J. DELANOY, JR., Deputy Director and ALAJ:

The matter was transmitted to the Office of Administrative Law (OAL), where it was filed on September 2, 2020. Appellant appeals his resignation not in good standing effective July 21, 2020.

Respondent filed a letter brief in support of a motion to dismiss the matter Appellant has retired from State service and the Department is no longer pursuing this action. Because the matter has become moot it should be dismissed, as the OAL no longer has jurisdiction in the matter.

## <u>ORDER</u>

As the OAL no longer has jurisdiction in the matter, it is hereby **ORDERED** that this appeal be **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.

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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.

	Edward of Miloney of
<u>December 22, 2020</u>	<del> </del>
DATE	EDWARD J. DELANOY, JR., Deputy
	Director & ALAJ
Date Received at Agency:	12/22/20
Date Mailed to Parties:	12/24/2020