

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF OCTOBER, 2021



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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

DISMISSAL

OAL DKT. NO. CSV 5969-17

AGENCY DKT. NO. 2017-3266

**IN THE MATTER OF HENRY GREEN,
CITY OF ATLANTIC CITY,
DEPARTMENT OF PUBLIC WORKS.**

No appearance by or on behalf of petitioner, Henry Green

John Dominy, Esq., on behalf of respondent, City of Atlantic City (Blaney & Karavan, P.C., attorneys)

Record Closed: September 17, 2021

Decided: September 22, 2021

BEFORE SARAH G. CROWLEY, ALJ:

STATEMENT OF THE CASE

Henry Green (petitioner) appeals his removal and resignation not in good standing effective March 27, 2017. The appeal was filed at the Office of Administrative Law on May 1, 2017. This matter was previously assigned to Judge Kennedy, who conducted multiple telephone conference calls. Judge Kennedy also ruled on a Motion to Exclude privileged documents, which was favorable to the respondent. Following Judge Kennedy's appointment to Superior Court, this matter was assigned to the undersigned.

On August 9, 2021, a notice was sent to the parties indicating that a status conference call will be held on September 16, 2021, at 4:00 p.m. The notice further gave instruction as to the dial in information and the access code. Highlighted on this notice,

Failure to dial in for the telephone conference, will result in the file being returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.

Pursuant to N.J.A.C. 1:1-14.4 that failure to appear for the conference with the foregoing reference will result in the return of the matter to the transmitting agency. On September 16, 2021, the undersigned conducted a telephone conference. The attorney for Atlantic City was present on the call. The petitioner was not present on the call.

APPLICABLE LAW

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

CONCLUSION

Because the petitioner has failed to appear for all scheduled appearances, has not contacted the OAL in any manner, and thus has not provided good cause for his failure to participate in the preemptory September 16, 2021, conference call, I **CONCLUDE** that the appeal filed by the petitioner, Henry Green is respondent is **DISMISSED** for his failure to appear.

ORDER

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.

September 22, 2021
DATE



SARAH G. CROWLEY, ALJ

Date Received at Agency: September 22, 2021

Date Mailed to Parties: September 22, 2021

/caa