



**STATE OF NEW JERSEY**

In the Matter of Michele Frascella,  
Division of Gaming Enforcement

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2022-340

Administrative Appeal

**ISSUED: NOVEMBER 22, 2021  
(HS)**

Michele Frascella, a former Administrative Analyst 2 with the Division of Gaming Enforcement (DGE), requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit her to submit a late application for SCOR benefits.

As background, the appellant retired from State service, effective March 1, 2020. However, a SCOR application for the appellant was not forwarded to this agency by DGE within one year of her retirement date. Specifically, the application, which sought a \$256.07 SCOR payment, was forwarded on or about July 28, 2021 but returned by the Division of Agency Services as untimely.

On appeal to the Civil Service Commission (Commission), the appellant argues that the filing of her SCOR application was delayed by the COVID-19 pandemic. She maintains that this was not her fault and requests that she be approved for SCOR.

In support of this appeal, DGE explains that the SCOR application was in its “pending file” and that, before submitting the application to the appellant, DGE was awaiting passage of the 30-day period during which the appellant could have made any changes to her retirement. However, the office closed due to COVID-19 on March 17, 2020, and the pending file remained in the office. DGE states that it became aware of the oversight when staff recently returned to the office and processed the

SCOR application immediately. DGE agrees that the appellant was not at fault and argues that she should not be penalized.

### CONCLUSION

*N.J.A.C.* 4A:6-3.3(a) provides that, upon retirement, an employee is entitled to SCOR to be “computed at the rate of one-half the employee’s daily rate of pay for each day of earned and unused accumulated sick leave at the effective date of retirement.” The maximum amount of SCOR for any employee, however, is \$15,000.00. See *N.J.S.A.* 11A:6-19. *N.J.A.C.* 4A:6-3.4(a) provides that an employee may file an application for SCOR within one year of the effective date of retirement. *N.J.A.C.* 4A:6-3.4(c) provides that after receipt of the notice of retirement approval and SCOR application, the appointing authority shall forward to this agency within 45 days: (1) a personnel action request certifying the number of days of earned and unused accumulated sick leave and the amount of SCOR to be paid; (2) a copy of the notice of retirement approval; and (3) completed SCOR application form. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause.

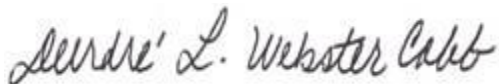
In this matter, the appellant retired from State service effective March 1, 2020, but the SCOR application was not forwarded to this agency until on or about July 28, 2021, outside the one-year time period established by *N.J.A.C.* 4A:6-3.4(a). DGE indicates that the delay was due to the office closure caused by the COVID-19 pandemic and the apparent inability to access the appellant’s file until the office was reopened. In such a situation, the former employee should not be penalized with a diminution of a monetary entitlement. Accordingly, it is appropriate to relax the provisions of *N.J.A.C.* 4A:6-3.4(a) to permit the appellant to apply for SCOR.

### ORDER

Therefore, it is ordered that this request be granted, the provisions of *N.J.A.C.* 4A:6-3.4(a) be relaxed, and Michele Frascella’s SCOR application be processed.

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 17<sup>TH</sup> DAY OF NOVEMBER 2021



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