



STATE OF NEW JERSEY

In the Matter of Jalesa Cooper,
Trenton

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

CSC Docket No. 2021-1025

Administrative Appeal

ISSUED: October 12, 2022 (AMR)

Jalesa Cooper, a Keyboarding Clerk 1 with Trenton, represented by Seth Gollin, Esq., AFSCME New Jersey Council 63, requests that the Civil Service Commission (Commission) reinstate the appeal of her removal, effective December 30, 2020, which was dismissed on the basis of her failure to appear at the June 6, 2022.

By way of background, the appellant timely appealed her removal to this agency which transmitted the matter to the Office of Administrative Law (OAL) as a contested case. The OAL scheduled the matter for a hearing on June 6, 2022, and sent a notice, dated April 26, 2022, to this effect to the appellant’s union attorney and Trenton’s attorney. On the scheduled date, the appellant failed to appear. The OAL issued a “Failure to Appear” notice on June 8, 2022, which indicated that the appellant failed to appear at the scheduled proceedings. The matter was returned to the Commission for a final decision, with a notice giving the parties 13 days to present any excuse to this agency for failure to appear at the OAL proceedings. Thereafter, by letter dated June 21, 2022, the appellant presented her excuse and requested that her appeal be reinstated. The parties were then provided with the opportunity to supplement the record by letter dated June 29, 2022.

In support of the appellant’s request, the appellant’s attorney initially indicated that the appellant did not appear due to a “true emergency situation” regarding her daughter. The appellant represented that the situation was “out of her control” and that she could provide documents or statements regarding the incident from officials at her daughter’s school who were all involved. Therefore, the appellant requested that her appeal be returned to the OAL. As noted above, despite being

provided the opportunity, the appellant did not supplement the record and submit further documents to support her claim.

In response, the appointing authority, represented by Charles R. G. Simmons, Esq., indicated that it does not know what the emergency was or why it prevented the appellant from contacting her counsel who attempted to reach her the morning of June 6, 2022. It argued that there is no guarantee that such a situation will not happen again, preventing the appellant from attending a subsequent hearing. The appointing authority also emphasized that the appellant did not respond to the Commission's correspondence of June 29, 2022.

CONCLUSION

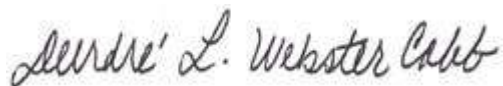
In this matter, the appellant has not sustained her burden of proof. Her union attorney indicates that the appellant did not appear due to a "true emergency situation" regarding the appellant's daughter. The appellant has claimed that the situation was "out of her control" and that she could provide documents or statements regarding the incident from officials at her daughter's school who were all involved. However, despite the opportunity, the appellant did not provide any such documents to substantiate her claim. Accordingly, given that the appellant has not presented the Commission with any substantive evidence to excuse her absence, her appeal is dismissed based on her failure to appear at the June 6, 2022 hearing.

ORDER

Therefore, it is ordered that Jalesa Cooper's request to reinstate her appeal be denied and her appeal be dismissed.

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 12TH DAY OF OCTOBER, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Jalesa Cooper
Seth Gollin, Esq.
Adam E. Cruz
Charles R.G. Simmons, Esq.
Records Center