

STATE OF NEW JERSEY

In the Matter of Thomas Valente West Milford, Police Department

CSC Docket No. 2023-825

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Court Remand

ISSUED: November 2, 2022 (NFA)

The Superior Court of New Jersey, Appellate Division, in *In the Matter of Thomas Valente, Jr., West Milford, Police Department*, Docket No. A-3180-21 (App. Div., October 14, 2022), reversed the Civil Service Commission's (Commission) decision in *In the Matter of Thomas Valente* (CSC, decided April 6, 2022) and remanded the matter to allow the Commission to issue a final decision affirming the Administrative Law Judge's (ALJ) initial decision. The Court did not retain jurisdiction.

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Thomas Valente was a Police Lieutenant with the West Milford Police Department. He was removed from his position, effective October 4, 2021, on charges. Upon his appeal, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case. At the OAL, the ALJ rendered his initial decision on February 28, 2022. In that decision, the ALJ found that there was a settlement agreed upon by the parties and granted West Milford's motion for summary decision to enforce the settlement and dismiss Valente's appeal. In its subsequent April 6, 2022, decision, the Commission disagreed that there was a valid settlement in place and, therefore, returned the matter to the OAL for a hearing.

West Milford appealed the Commission's determination to remand the matter to the Appellate Division. In its decision, the Court found that the Commission erred in finding that there was a not a valid settlement in place. Accordingly, it reversed the Commission's decision and remanded the matter "for the entry of a final order affirming the ALJ's decision."

ORDER

The Civil Service Commission rescinds its April 6, 2022, decision remanding the appeal of Thomas Valente to the Office of Administrative Law for a hearing. The Commission further affirms the Administrative Law Judge's initial decision granting West Milford's motion for summary decision to enforce the settlement and dismisses Thomas Valente's appeal.

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 2^{ND} DAY OF NOVEMBER, 2022

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Chairperson

Civil Service Commission

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