



STATE OF NEW JERSEY

In the Matter of Daniel Glenn,
Irvington, Department of Public
Works

CSC DKT. NO. 2022-27
OAL DKT. NO. CSV 06062-21

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: JULY 20, 2022

The appeal of Daniel Glenn, Laborer 1, Irvington, Department of Public Works, removal, effective June 8, 2021, on charges, was before Administrative Law Judge Elissa Mizzone Testa (ALJ), who rendered her initial decision on June 14, 2022. Exceptions were filed by the appellant, *pro se*.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of June 29, 2022, accepted the recommendation as contained in the attached ALJ's initial decision. The Commission makes the following comments.

In his exceptions, the appellant contends that he did not receive notice of the hearing that he failed to attend. The Commission is unpersuaded. The record indicates that the notice was emailed to the appellant at two separate email addresses. These email addresses had been used previously to contact the appellant by Office of Administrative Law staff. Further, the hearing notice was sent via regular mail to the address provided by the appellant.¹ The Commission acknowledges the presumption that mail correctly addressed, stamped and mailed is generally received by the party to whom it was addressed. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 N.J. 614 (1996); *Szczesny v. Vasquez*, 71 N.J. Super. 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). It also recognizes that on occasion, such mail never reaches its intended destination. However, in this case, where there were multiple methods of delivery, to several addresses, the Commission cannot credit the appellant's assertion that he did not receive notice of the hearing.

¹ The Commission also notes that the appellant apparently timely received the ALJ's initial decision, which was also emailed and mailed to the addresses in the record, as he filed his exceptions within the regulatory timeframe.

ORDER

The Civil Service Commission dismisses the appeal of Daniel Glenn for failure to appear.

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 20TH DAY OF JULY, 2022

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. CSV 06062-21

AGENCY DKT. NO. 2022-27

**IN THE MATTER OF DANIEL GLENN,
IRVINGTON TOWNSHIP DEPARTMENT
OF PUBLIC WORKS,**

Daniel Glenn, petitioner, pro se

Wayne Warren, Esq., Second Assistant Township Attorney, appearing for respondent pursuant to N.J.A.C. 1:1-5.4(a)3 (Ramon Rivera, Township Attorney)

Record Closed: June 13, 2022

Decided: June 14, 2022

BEFORE ELISSA MIZZONE TESTA, ALAJ:

Petitioner appeals from the determination of removal by Respondent, Irvington Twp., Department of Public Works ("Municipality") effective June 8, 2021, for a violation of N.J.A.C. 4A:2-3(a)1, et. seq.

The matter was transmitted to the Office of Administrative Law ("OAL") on July 19, 2021, for determination as a contested case. A telephone status conference was held on

March 29, 2022, whereby the parties agreed to amicably settle the matter and that petitioner would go to Mr. Warren's office, that day, to pick up the Settlement Agreement for review. A copy was also emailed to petitioner on that same day. A follow-up telephone conference was to be held on April 5, 2022, which neither party appeared for. The parties were fully aware that the telephone conference was to be cancelled only if there was a signed settlement agreement. It was only after my chambers reached out to the parties on April 5, 2022, that Mr. Warren advised that petitioner was scheduled that day to come into his office to sign the settlement agreement. Mr. Warren was then advised to notify my chambers by the end of that same day as to the status of the matter. That was not done. To date, my chambers has not heard from either party regarding the Settlement Agreement.

All parties were then notified of a preemptory date of June 13, 2022 for a Zoom hearing and were advised that no further adjournments would be granted.

Based upon the petitioner not appearing for the Zoom Hearing on June 13, 2022 and his lack of communication after the March 29, 2022 telephone status conference, I must **FIND** this conduct tantamount to an abandonment of his request for a hearing.

ORDER

Based upon the forgoing, I **ORDER** that the appeal filed by petitioner in this matter be and is hereby **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.

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.

June 14, 2022



DATE

ELISSA TESTA, ALJ

Date Received at Agency:

June 14, 2022

Date Mailed to Parties:

June 14, 2022

sej

Danny Glenn
205 Myrtle Avenue
Irvington, NJ 07111

To whom it may concern,

Please accept this letter as my briefing opposition. I was terminated from my job in Irvington, NJ as a code enforcement officer on 6/1/2021. At no time did I get a Civic Service Hearing. All I got was a status meeting and a copy of a settlement agreement. I did not sign the agreement. I got no notice of a Zoom hearing for 6/13/21. I had a zoom hearing with Judge Testa, Elissa & Wayne Warren, Esq. on October 14, 2022. No one showed up. There was a meeting set up on December 9, 2021 at 10:00 AM at Town Hall, Irvington, NJ at his office. He did not show up for that meeting.

I have not had any communication with the Township or the Judge since April 5, 2022.

Thank you,

A handwritten signature in black ink that reads "Danny Glenn". The signature is written in a cursive style with a long horizontal line extending to the right.

Danny Glenn

Cell 973-573-0221