



STATE OF NEW JERSEY

In the Matter of Theodore Boswell,  
Ancora Psychiatric Hospital,  
Department of Health

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2020-1114  
OAL DKT. NO. CSV 16078-19

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

ISSUED: MAY 24, 2023

The appeal of Theodore Boswell, Human Services Technician, Ancora Psychiatric Hospital, Department of Health, removal, effective October 4, 2019, on charges, was before Administrative Law Judge Catherine A. Tuohy (ALJ), who rendered her initial decision on April 11, 2023. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting of May 24, 2023, accepted the recommendation as contained in the attached ALJ's initial decision.

ORDER

The Civil Service Commission dismisses the appeal of Theodore Boswell 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 24<sup>TH</sup> DAY OF MAY, 2023

A handwritten signature in cursive script, reading "Allison Chris Myers".

Allison Chris Myers  
Acting 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**

OAL DKT. NO. CSV 16078-19

AGENCY NO. 2020-1114

**IN THE MATTER OF THEODORE BOSWELL,  
DEPARTMENT OF HEALTH,  
ANCORA PSYCHIATRIC HOSPITAL.**

---

**Theodore Boswell, pro se, for appellant**

**Achchana Ranasinghe, Deputy Attorney General, for respondent, Department of Health, Ancora Psychiatric Hospital (Matthew J. Platkin, Attorney General of New Jersey, attorney)**

**BEFORE CATHERINE A. TUOHY, ALJ:**

**STATEMENT OF THE CASE**

Appellant, Theodore Boswell, a Human Service Technician for the Department of Health, Ancora Psychiatric Hospital, respondent, appeals his removal effective October 4, 2019, for violations of a N.J.A.C. 4A:2-2.3(a)6-Conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)12-Other sufficient cause; Administrative Order 4:08 C-4.1 Verbal abuse of a patient, client, resident or employee; and Administrative Order 4:08 E-1.7 Violation of a rule, regulation, policy, procedure, order or administrative decision.

## PROCEDURAL HISTORY

On July 13, 2018, respondent issued a Preliminary Notice of Disciplinary Action (PNDA) (31-A) setting forth the charges and specifications made against the appellant. After a departmental hearing on September 10, 2019, the respondent issued a Final Notice of Disciplinary Action (FNDA) (31-B) on September 30, 2019, sustaining the charges in the preliminary notice and removing appellant effective October 4, 2019. Appellant filed an appeal on October 18, 2019, and the matter was transmitted by the Civil Service Commission Division of Appeals and Regulatory Affairs to the Office of Administrative Law (OAL) where it was filed on November 13, 2019, for a hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to 15; N.J.S.A. 52:14F-1 to 13.

## FACTUAL DISCUSSIONS AND FINDINGS

Appellant was initially represented by William Nash, Esq. who filed a motion to be relieved as counsel for Mr. Boswell on December 22, 2022. No opposition was filed, and the undersigned entered an Order dated January 9, 2023, granting Mr. Nash's motion to be relieved as counsel and further ordering that appellant either obtain substitute counsel or appear pro se, with all future notices to be sent to him at his home address.

Further notices of telephone status conferences for February 16, 2023, March 2, 2023, and April 13, 2023, were sent to Mr. Boswell and he has failed to appear for any of them. Mr. Boswell has not contacted this tribunal to provide any good cause for his repeated failures to appear.

Based upon the foregoing, I **FIND** as **FACT** that respondent has failed to appear for telephone status conferences scheduled for February 16, 2023, March 2, 2023, and April 13, 2023. I also **FIND** as **FACT** that no explanation for the nonappearance of appellant has been received.

**LEGAL DISCUSSION AND CONCLUSIONS OF LAW**

Pursuant to N.J.A.C. 1:1-14.4(a) "If, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the Clerk or 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 shall direct the Clerk to return the matter to the transmitting agency for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

This matter was scheduled and noticed for telephone conferences on February 16, 2023, March 2, 2023, and April 3, 2023. Appellant was aware of the telephone conferences. He has failed to appear for the telephone conferences. Appellant has not submitted any explanation as to his repeated failures to appear.

Accordingly, I **CONCLUDE** that the respondent has abandoned his appeal and direct the Clerk to return the matter to the transmitting agency.

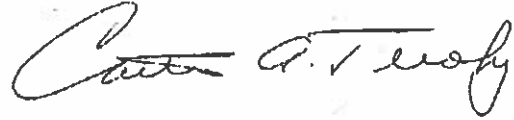
**ORDER**

It is **ORDERED** that the Clerk shall return this matter to the Department of Personnel, Civil Service Commission – Division of Appeals and Regulatory Affairs for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

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.



April 11, 2023  
DATE

\_\_\_\_\_  
**CATHERINE A. TUOHY, ALJ**

Date Received at Agency: \_\_\_\_\_ emailed April 11, 2023

Date Mailed to Parties: \_\_\_\_\_ emailed April 11, 2023

CAT/gd