

In the Matter of Christina Perna, Ancora Psychiatric Hospital, Department of Health

CSC DKT. NO. 2023-415 OAL DKT. NO. CSV 07552-22 FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

ISSUED: JULY 19, 2023

The appeal of Christina Perna, Senior Laundry Worker, Ancora Psychiatric Hospital, Department of Health, resignation not in good standing, effective April 6, 2021, on charges, was before Administrative Law Judge Judith Lieberman (ALJ), who rendered her initial decision on June 19, 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 July 19, 2023, accepted the recommendation as contained in the attached ALJ's initial decision.

ORDER

The Civil Service Commission dismisses the appeal of Christina Perna 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 19TH DAY OF JULY, 2023

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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



INITIAL DECISION
FAILURE TO APPEAR

OAL DKT. NO.CSV 07552-22 AGENCY DKT NO. 2023-415

IN THE MATTER OF CHRISTINA PERNA,
DEPARTMENT OF HEALTH, ANCORA
PSYCHIATRIC HOSPITAL.

No appearance for appellant

Bryce K. Hurst, Deputy Attorney General for respondent (Matthew J. Platkin, Attorney General of New Jersey, attorney)

Record Closed: May 24, 2023

Decided: June 19, 2023

BEFORE JUDITH LIEBERMAN, ALJ:

STATEMENT OF THE CASE

Appellant, Christina Perna, appealed the determination by respondent, Department of Health, Ancora Psychiatric Hospital, that she resigned not in good standing from her position of senior laundry worker.

BACKGROUND AND PROCEDURAL HISTORY

The Department notified appellant of its determination on July 15, 2022. Appellant filed a timely appeal. The matter was transmitted to the Office of Administrative Law (OAL), where it was filed as a contested case on September 6, 2022, pursuant to N.J.S.A. 52:14B-1 to N.J.S.A. 52:14B-15 and N.J.S.A. 52:14F-1 to N.J.S.A. 52:14F-13.

A settlement conference was conducted on December 13, 2022. Although the matter was settled then, the OAL was advised that appellant withdrew her consent to the appeal. A status conference was scheduled before Hon. Susan M. Scarola, ALJ, on March 27, 2023. Appellant did not appear for the status conference.

The matter was assigned to the undersigned on April 12, 2023. On April 18, 2023, a notice was issued to the parties, advising that a telephone prehearing conference would be conducted on May 23, 2023. Respondent appeared for the conference call while appellant did not appear. To date, appellant has not contacted the OAL concerning her failure to appear for the status conference or the prehearing conference.

APPLICABLE LAW

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a 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 may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

CONCLUSION

Because the appellant has twice failed to appear for scheduled and noticed appearances and has not contacted the OAL concerning these failures to appear, I CONCLUDE that she has abandoned this matter. Accordingly, the Clerk should return this matter to the transmitting agency.

<u>ORDER</u>

It is **ORDERED** that the Clerk return this matter to the transmitting agency for appropriate disposition.

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 19, 2023 DATE	JUDITH LIEBERMAN, ALJ
Date Received at Agency:	June 19, 2023
Date Mailed to Parties:	June 20, 2003
JL/jm	