



**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**

**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.**

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**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.

**ORDER**


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:

  
\_\_\_\_\_

JL/jm