



**STATE OF NEW JERSEY**

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of A.U.-C., Passaic  
County

CSC Docket No. 2023-636

Hearing Granted

**ISSUED: August 2, 2023 (JET)**

A.U.-C., a former Keyboarding Clerk 2, with Passaic County, represented by Ronald J. Ricci, Esq., requests a hearing regarding her separation from employment.

By way of background, the appellant received a regular appointment to the non-competitive title of Keyboarding Clerk 1, in the Department of Senior Disability and Veterans Affairs, effective October 17, 2017. She was then transferred to the Finance Office, effective June 29, 2022.<sup>1</sup> On August 15, 2022, the appellant left work. Thereafter, the Director of Human Resources, C.M. indicated to the appellant that the appellant had been recorded as having resigned, per her conversation with S.A., Director of Purchasing. Agency records indicate that the appellant was resigned in good standing, effective August 15, 2022.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she did not resign. Rather, the appellant asserts that on August 15, 2022, her doctor called and advised her that her cancer cells were “active,” and that she must immediately report to the doctor’s office. The appellant asserts that as she was distraught, she told Deputy Director C.S. and her supervisor S.A., that she had to leave work. The appellant maintains that C.M., contacted her on August 16, 2022, and informed the appellant that S.A. had stated that the appellant had quit her job, which the appellant denied. The appellant claims that on August 17, 2022, she met

<sup>1</sup> The appellant claims the transfer occurred after she made multiple complaints about being verbally abused by her supervisor.

with C.M. and recorded their conversation, during which, C.M., advised the appellant to contact S.A. to discuss the situation so it could be resolved. The appellant maintains that, despite multiple attempts, she was unable to contact S.A., and as such, she was recorded as resigned in good standing, effective August 15, 2022. The appellant adds that, by way of an August 22, 2022, letter, signed by C.M., the appointing authority notified her it had accepted her resignation. In support, the appellant provides a copy of the recorded conversation with C.M.<sup>2</sup>, and it indicates, in relevant part, that the appointing authority was relying on S.A.'s statement that the appellant had resigned, and without further information from S.A., the appellant would not be returned to work. Shae also indicates that she received a letter from the appointing authority, dated August 22, 2022, on or about September 13, 2022, stating she had resigned and indicating she could appeal that action to the Commission, which she did one week later.

In response, the appointing authority, represented by Leslie S. Park, Esq., asserts that on August 15, 2022, the appellant packed up her belongings, said goodbye to her co-workers, and informed C.S. that she was resigning from her position. The appointing authority contends that, although the appellant states that she left work on August 15, 2022, due to a serious medical condition, she did not submit any medical evidence in support of her claim.<sup>3</sup> The appointing authority also contends that, after the appellant verbally resigned, the Director of Human Resources advised her that she “knew better” than to just walk off the job. The appointing authority adds that the appellant made no response of her intent to return to her position, but rather, she waited until August 19, 2022, four days after she left without notice, to meet with the Director in her office and state that she wanted to retain her position. The appointing authority states that the appellant was advised that, based on her statements to C.S. and her actions, her resignation was accepted and recorded. The appellant was also advised that she could speak to her supervisor about what happened, but she failed to do so.

Additionally, the appointing authority asserts that an appeal of a resignation may only be made to the Commission where it is alleged that the resignation was the result of duress or coercion, which is not present in this matter. Moreover, the

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<sup>2</sup> The recorded conversation indicates that the appellant stated to C.M. that she remembered telling S.A. that she was leaving early, but she did not state that she was quitting. The appellant maintained that she was having medical tests performed, and she believed she could lose her hearing. She stated during the conversation that she did not attempt to call S.A. or C.S. to find out if there were any discrepancies between them, but she planned to call them. C.M. stated that she would not have expected the appellant to quit, but she required information from C.S. and S.A. if a miscommunication occurred. C.M. also stated that S.A. and C.S. considered August 15, 2022, as her last day, but she encouraged S.A. to talk to the appellant. The appellant stated that she was uncertain about where she stands with respect to her position.

<sup>3</sup> The appointing authority notes that the appellant was aware of the procedure for taking a medical leave of absence, as she took such leave on six occasions since November 2019, with the last occurring from March 30, 2022, to May 16, 2022.

appointing authority contends that, based on the facts of this matter, it was not necessary to provide the appellant with notice to appeal the resignation to the Commission. The appointing authority maintains that it was the appellant's personal choice to resign, and while it was within its purview to rescind, it was not required to accept the appellant's request to rescind the resignation. Moreover, the appointing authority argues that the appellant's appeal in this matter is untimely, as she was aware that the resignation occurred on August 15, 2022, but she did not file the appeal of this matter until September 20, 2022.<sup>4</sup>

In support, the appointing authority provides a certification from C.S., Deputy Director, Purchasing Department, indicating that she was the appellant's supervisor, and on August 15, 2022, the appellant came to her office after packing her belongings and said goodbye. C.S. stated that she asked the appellant whether she was resigning, and she confirmed that she was.

### CONCLUSION

In this matter, the pertinent issue before the Commission is whether the appellant actually tendered her resignation. Resignation in good standing appeals are generally decided on the written record and hearings are only granted when a material dispute of fact that cannot be resolved on the written record is presented. In the instant matter, there is such a material dispute of fact. In this regard, although the appellant maintains that she did not resign on August 15, 2022, but rather, left work to go to her doctor's office, as a result being told that her "cancer cells" were "active." The appointing authority maintains that the appellant stated to her supervisor and Deputy Director on August 15, 2022, that she was resigning, and as such, it recorded the incident as a resignation in good standing. Although the appointing authority argues that the appellant had previously taken sick leave, she was aware of the procedures for requesting such leave, and she was not on a leave of absence, such information does not establish, in and of itself, if the appellant resigned. As such, based on the facts in this matter, the Commission is unable to determine from the written record if the appellant verbally stated that she resigned, or if she stated that she was leaving work to go to her doctor's office. Therefore, it is appropriate to refer the matter to the Office of Administrative Law for a hearing as a contested case.

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<sup>4</sup> The Commission accepts this appeal as timely. Initially, appeals of resignations in good standing should be filed within 20 days of when an employee had notice of the action. However, that timeframe is not statutory and may be relaxed for good cause. Here, given that the appellant disputes that she resigned, and in fact, attempted to rescind that resignation, the best evidence of when she was officially advised of her actual separation from employment was via the August 22, 2022, letter, which she states she received on or around September 13, 2022. Thus, making her appeal within 20 days of notice. Even if she received the letter prior to that time, given the facts of this matter, the Commission would relax the 20-day requirement as it is clear that the appellant believes her separation was improper and appealed that action within a reasonable time.

**ORDER**

The Commission orders that this matter be referred to the Office of Administrative Law for further proceedings as set forth above.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 2<sup>ND</sup> DAY OF AUGUST, 2023

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
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