



STATE OF NEW JERSEY

In the Matter of Christopher Turner,
Department of Military and Veterans
Affairs

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2025-224
OAL DKT. NO. CSV 10638-24

ISSUED: MARCH 20, 2025

The appeal of Christopher Turner, Repairer, Department of Military and Veterans Affairs, resignation not in good standing, effective April 24, 2024, on charges, was before Administrative Law Judge Joann LaSala Candido. (ALJ), who rendered her initial summary decision on February 20, 2025. 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 (Commission), at its meeting of March 19, 2025, accepted the recommendation to grant the appointing authority's motion to for summary decision and uphold the removal as contained in the attached ALJ's initial decision.

The Commission notes the following. There is no requirement that an employee be provided with leave for incarceration. *See N.J.A.C. 4A:6-1.1, et seq. See also, In the Matter of Vincent Greenfield*, Docket No. A-0713-07T1 (App. Div. February 19, 2009); *In the Matter of Paul Bishop*, Docket No. A-6222-06T1 (App. Div. January 8, 2009); *John Harold Clark v. New Jersey Department of Transportation*, Docket No. A-3321-97T2 (App. Div. March 10, 1999); *In the Matter of Louis March* (MSB, decided December 15, 2004); *In the Matter of Lester Smith* (MSB, decided October 14, 1998).

ORDER

The Civil Service Commission finds that the action of the appointing authority in resigning the appellant not in good standing was justified. The Commission therefore upholds that action and dismisses the appeal of Christopher Turner.

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 MARCH, 2025

Allison Chris Myers

Allison Chris Myers
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

SUMMARY DECISION

OAL DKT. NO. CSV 10638-24

Agency No. 2025-224

**IN THE MATTER OF CHRISTOPHER
TURNER, NJ DEPARTMENT OF MILITARY
AND VETERANS' AFFAIRS.**

Christopher Turner, for appellant pro se

Gina M. Labrecque, Deputy Attorney General for respondent
(Matthew J. Platkin, Attorney General of New Jersey)

Record Closed: February 15, 2025

Decided: February 20, 2025

BEFORE: JOANN LASALA CANDIDO, ALAJ:

STATEMENT OF THE CASE

This matter arises from a disciplinary action initiated by the New Jersey Department of Military and Veterans Affairs (respondent or DMAVA) against appellant Christopher Turner (Turner), a repairer at the West Orange Armory for violating departmental rules of being absent five or more consecutive days without authorization.

On January 27, 2025, the DMAVA filed a motion for a summary decision pursuant to N.J.A.C. 1:1-12.5 claiming there are no factual issues in dispute.

By way of background, I held a telephone conference with Turner and the Deputy Attorney General on December 4, 2024, whereby Turner requested an opportunity to speak with an attorney. I scheduled a status conference on January 8, 2025. Turner failed to appear by telephone for this conference. I then scheduled a peremptory hearing date on February 26, 2025. Having had no response from Turner on the Motion for Summary Decision, I hereby grant this Motion for the foregoing reasons.

Summary decision may be granted "if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). These provisions mirror the summary-judgment language of Rule 4:46-2(c) of the New Jersey Court Rules. See Brill v. Guardian Life Ins. Co. of America, 142 N.J. 520 (1995); Contini v. Bd. of Educ., 286 N.J. Super. 106, 121 (App. Div. 1995), certif. denied, 145 N.J. 372 (1996) (an evidentiary hearing is not required if there is no genuine issue of material fact). In deciding on a motion for summary decision, the judge should consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party. Brill, supra, 142 N.J. at 523.

It is undisputed that Turner was incarcerated during the time he was absent from work and undisputed that he did not notify DMAVA of his arrest. DMAVA Policy Letter 20-25 requires that all employees are to notify the department if they are arrested, charged with, or convicted of a crime or offense, such notification within 48 hours of the occurrence. DMAVA received a text message from someone other than Turner on March 31, 2024, advising that Turner would be absent for three days and would not have access to a telephone. A subsequent call to this individual revealed that Turner was incarcerated but no information was provided as to the length of the incarceration. Turner was scheduled to return to work on April 1, 2024, but failed to do so.

On April 8, 2024, a Preliminary Notice of Disciplinary Action was issued charging Turner with N.J.A.C. 4A:2-6.2 (b):

Any employee who is absent from duty five or more consecutive business days without approval of his or her superior shall be considered to have abandoned his or her position and shall be recorded as a resignation not in good standing.

Turner was also charged with NJ DMAVA Department directive 230.05A:

Abandonment of job as a result of absence from work as scheduled without permission for five (5) consecutive days.

On April 24, 2024, a Final Notice of Disciplinary Action was issued sustaining the above charges.

In appeals concerning major disciplinary actions brought against classified employees, the burden of proof is on the appointing authority. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is by a preponderance of the competent, relevant and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A2-1.4(a); In re Polk, 90 N.J. 550(1982); Atkinson v. Parsekian, 37 N.J. 143 (1962).

The Civil Service Act and the regulations promulgated pursuant thereto govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1 et seq. A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3. Grounds for discipline include, among other things, insubordination, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, and neglect of duty. See N.J.A.C. 4A:2-2.3(a)(2), (4), (6), and (7). An employee may also be subject to termination for resignation not in good standing. If an employee is absent from duty for five or more consecutive business days or has not returned to work for five or more business days following an approved leave of absence, without the approval of his superior, he shall be considered to have abandoned his position and shall be recorded as a resignation not in good standing. N.J.A.C. 4A:2-6.2(b)(c).

Turner was charged with chronic or excessive absenteeism or lateness because he was absent without authorization for five or more consecutive days between April 1, 2024, and April 24, 2024, the date of his removal. It is undisputed that Turner was incarcerated during which time he was not on an approved leave of absence. In this regard, there is no requirement that an employee be provided with leave for incarceration; therefore, Turner was properly charged with chronic or excessive absenteeism and job abandonment. See N.J.A.C. 4A:6-1.1 et seq.; Clark v. New Jersey Dep't of Transp., A-3321-9772 (App. Div. March 10, 1999), <http://njlaw.rutgers.edu/collections/courts>; In re Greenfield, CSV 4473-05, Final Decision, MSB (May 23, 2007), <http://njlaw.rutgers.edu/collections/oal/>; In the Matter of Mario Hidalgo, Motor Vehicle Commission, 2008 N.J. AGEN LEXIS 1433 (March 27, 2008); In re Bishop, 2009 NJ Super Unpub. LEXIS 152 (App.Div. 2009).

Based upon all the foregoing disciplinary actions and upon the totality of the record, I **CONCLUDE** that removal is the appropriate penalty. The sustained charges against Christopher Turner are warranted. I therefore **CONCLUDE** that it is appropriate to impose the removal of Christopher Turner from his construction repairer position and resignation not in good standing from this position.

ORDER

Accordingly, it is hereby **ORDERED** that the removal of Christopher Turner and the resignation not in good standing are hereby **AFFIRMED** and his appeal is **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.

February 20, 2025



DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

February 20, 2025

Date Mailed to Parties:

February 20, 2025

ljb