



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Jason Callan and  
Michael Olson, Camden County  
Sheriff's Office

Reconsideration

CSC Docket Nos. 2025-431 & 2025-432

**ISSUED: April 9, 2025 (EG)**

Jason Callan and Michael Olson, represented by Stuart J. Alterman, Esq., petition the Civil Service Commission (Commission) for reconsideration of its decision in *In the Matter of Jason Callan and Michael Olson, Camden County Sheriff's Office* (CSC, decided July 3, 2024). In that matter, the Commission modified Olson's suspension from 90 working days to 30 working days and modified Callan's suspension from 45 working days to five working days. These matters have been consolidated as they present similar issues.

As background, the record indicates that on May 3, 2019, Preliminary Notices of Disciplinary Action were issued to the appellants on various charges stemming from an incident where the appellants left their post and recorded their co-workers in their absence. Thereafter, the appellants received departmental hearings, and Final Notices of Disciplinary Action were issued on May 1, 2020, upholding the charges with Olson receiving a 90 working day suspension and Callan a 45 working day suspension. Subsequently, the appellants appealed to the Commission and their appeals were transmitted to the Office of Administrative Law and consolidated on June 21, 2021.

The Administrative Law Judge (ALJ) in the matter determined that based on the evidence provided and the testimony at the hearing that Olson had turned on the recording on his phone before he and Callan left to perform their security checks. Additionally, the ALJ found that the charges of incompetency, inefficiency or failure

to perform duties and neglect of duty against the appellants were sustained as they sat in a car for hours ostensibly supervising other employees, not informing supervisors or subordinates of their location, ignoring a Lieutenant's call and not reporting the incident between themselves and Record Service Technicians (RST). Further, the ALJ upheld the charges against Olsen for violation rules and regulations by recording the RSTs. In determining the penalty, the ALJ considered that not all the charges were upheld along with the fact that neither appellant had a remarkable disciplinary history, but that both appellants were superior officers who should be held to a higher standard. Therefore, he recommended that Olson's suspension should be modified from a 90 working day suspension to a 30 working day suspension, and that Callan's suspension be modified from a 45 working day suspension to a 15 working day suspension.

The Commission adopted the ALJ's findings of facts and conclusions, and the modification to Olson's suspension from 90 working days to 30 working days. The Commission did not adopt the ALJ's modification of Callan's suspension from 45 working days to 15 working days, but rather modified the penalty to a five working day suspension. Additionally, the Commission indicated that it reviewed the appellants' voluminous exceptions mainly asserting that the appointing authority did not sustain its burden of proof and found they did not warrant extensive comment. Further, the Commission found that the ALJ's determinations were based on his assessment of the documentary and testimonial evidence in the record, which the Commission found not to be arbitrary, capricious, unreasonable or otherwise in error.

In the present matter, the appellants argue that the Commission made a clear material error in accepting the ALJ's credibility findings. In support of their contentions, the appellants reiterate the same arguments made in their exceptions to the ALJ's initial decision. These arguments include but were not limited to, that Olson had a completely rational explanation for his phone being left on under his keyboard and recording; that an RST lied under oath about whether a photo of Olson's phone recording had been made; the loss of memory of the phone was not intentional; and Olson had offered his phone for review multiple times before the loss of data.

In response, the appointing authority, represented by Michael J. DiPiero, Esq., contends that the appellants have not presented any new evidence or additional arguments and have not demonstrated that a clear material error occurred. It asserts that the appellants merely restate the same flawed arguments previously presented to the Commission. It adds that the Commission already considered the contention that a clear material error occurred regarding the credibility of witnesses and noted that the appellants failed to substantiate such claims sufficient to convince the Commission that the due deference normally afforded to an ALJ's credibility determinations should be ignored.

## CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the instant matter, the appellants contend that the Commission made a clear material error in accepting the ALJ's credibility findings. They reiterate the same arguments made in their lengthy exceptions to the ALJ's initial decision. The appointing authority argues that the appellants have not demonstrated that a clear material error occurred, and that they merely restate the same flawed arguments previously presented to the Commission. The Commission agrees. The arguments currently presented by the appellants were previously reviewed by the Commission as part of its determination in *In the Matter of Jason Callan and Michael Olson, Camden County Sheriff's Office* (CSC, decided July 3, 2024). There, the Commission indicated that "While the appellants filed voluminous exceptions in this matter, mainly asserting that the appointing authority did not sustain its burden of proof, they do not warrant extensive comment." Further, the Commission found that "[w]hile the appellants' exceptions attempt to establish that the appointing authority's witnesses did not provide truthful testimony, they have not substantiated such claims sufficient to convince the Commission that the due deference normally afforded to an ALJ's credibility determinations should be ignored." Therefore, the Commission found that the ALJ's credibility determinations and his findings were not arbitrary, capricious, unreasonable or otherwise in error. The appellants have not presented any new arguments or evidence on appeal to show that the Commission made a clear material error in its prior decision. Accordingly, their petitions for reconsideration are denied.

## ORDER

Therefore, it is ordered that the petitions for reconsideration be denied.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 9<sup>TH</sup> DAY OF APRIL, 2025

*Allison Chris Myers*

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