



STATE OF NEW JERSEY

In the Matter of Glenn Chapman,
South Woods State Prison,
Department of Corrections

CSC Docket No. 2024-1086
OAL Docket No. CSR 12978-23

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

ISSUED: JANUARY 15, 2025

The appeal of Glenn Chapman, Senior Correctional Police Officer, South Woods State Prison, Department of Corrections, removal, effective September 27, 2023, on charges, was before by Administrative Law Judge Kathleen M. Calemme (ALJ), who rendered her initial decision on December 5, 2024. 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 on January 15, 2025, accepted the recommendation as contained in the attached ALJ's initial decision to dismiss the appeal for the appellant's failure to appear.

ORDER

The Civil Service Commission dismisses the appeal of Glenn Chapman with prejudice.

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 15TH DAY OF JANUARY, 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

DISMISSAL

OAL DKT. NO. CSR 12978-23

AGENCY DKT. NO. N/A

2024-1086

**IN THE MATTER OF GLENN CHAPMAN,
SOUTH WOODS STATE PRISON.**

David E. Gray, Esq., for appellant Glenn Chapman (Gray Law Group, attorneys)

Jana R. DiCosmo, Deputy Attorney General, appearing for respondent South Woods State Prison, New Jersey Department of Corrections (Matthew J. Platkin, Attorney General of New Jersey, attorney)

Record Closed: December 3, 2024

Decided: December 5, 2024

BEFORE KATHLEEN M. CALEMMO, ALJ:

In accordance with N.J.A.C. 1:1-3.3(b) and 1:1-14.4(a) this tribunal is directing the Clerk to return the case to the transmitting agency for the reasons stated below:

On August 18, 2020, the New Jersey Department of Corrections (DOC) issued a Preliminary Notice of Disciplinary Action (PNDA) setting forth the charges and specifications against Glenn Chapman. A departmental hearing was held on September 13, 2023. On September 27, 2023, the respondent issued the FNDA removing appellant from employment. Appellant filed a direct filing removal appeal to the Office of

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Administrative Law (OAL), where it was filed on October 20, 2023, as a contested case pursuant to N.J.S.A. 52:14B-1 to 15; N.J.S.A. 52: 14F-1 to 13. The appeal was perfected on November 15, 2023.

At the initial telephone conference on December 20, 2023, the parties requested a sixty day discovery period. During six management telephone conferences between February 13, 2024, and July 24, 2024, the parties advised that they would not need a hearing but were negotiating the language for a settlement agreement.

When I did not hear anything definitive from the parties, I scheduled another management conference for October 17, 2024. Because neither party participated in the telephone conference, I had an email sent to the parties, which required their response within ten days. I demanded either confirmation of settlement or a request to list the matter for a hearing. I advised the parties that their failure to respond to my email would result in a dismissal of the appeal. Respondent immediately responded. To date, I have not heard from appellant. By letter, dated November 25, 2024, respondent requested that the matter be dismissed for appellant's failure to participate or prosecute his appeal.

Pursuant to N.J.A.C. 1:1-14.4(a),

If, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the Clerk or 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 shall, . . . direct the Clerk to return the matter to the transmitting agency for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

I **CONCLUDE** that the appellant was provided with appropriate notices of scheduled proceedings and at all times was represented by counsel. The appellant was provided with written notice containing the specific warning of the consequences of a non-appearance and, despite having been provided with appropriate notice, the appellant failed to appear and failed to provide the OAL with an explanation for his non-appearance.

The OAL did not receive an explanation for the appellant's non-appearance for the scheduled conference on October 24, 2024, within the meaning of N.J.A.C. 1:1-14.4(a). Having not received an explanation from the appellant to explain his non-appearance, N.J.A.C. 1:1-14.4 directs that this tribunal "shall, unless proceeding pursuant to [N.J.A.C. 1:1-14.4(d)], direct the Clerk to return the matter to the transmitting agency for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c)." As the respondent has not requested a decision on the merits of the matter be issued ex parte, no further proceedings pursuant to N.J.A.C. 1:1-14.4(d) are necessary. This tribunal, therefore, is left only with the mandate that the matter "shall" be returned to the transmitting agency for appropriate disposition. N.J.A.C. 1:1-14.4(a). A plain reading of N.J.A.C. 1:1-14.4(a), therefore, requires that the matter now be returned to the transmitting agency for appropriate disposition. See also N.J.A.C. 1:1-3.3(b).

ORDER

Based on the foregoing, I **ORDER** that the clerk return the case 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. 40A:14-204.

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.



December 5, 2024
DATE

KATHLEEN M. CALEMMO, ALJ

Date Received at Agency:

December 5, 2024 (via email)

Date Mailed to Parties:

December 5, 2024 (via email)

KMC/tat