



**STATE OF NEW JERSEY**

In the Matter of Michael Bonner,  
Cumberland County, Department of  
Corrections

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

CSC Docket No. 2025-1600  
OAL Docket No. CSV 03325-25

**ISSUED: NOVEMBER 5, 2025**

The appeal of Michael Bonner County Correctional Police Officer, Cumberland County, Department of Corrections, 10 working day suspension, on charges, was heard by Administrative Law Judge Susan McCabe (ALJ), who rendered her initial decision on September 30, 2025. Exceptions were filed on behalf of the appellant.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions, the Civil Service Commission (Commission), at its meeting on November 5, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the 10 working day suspension.

As indicated above, the Commission has thoroughly reviewed the exceptions and finds them unpersuasive. The appellant points to what he considers several mitigating factors and thus, argues that the suspension imposed should be modified to a minor discipline. The Commission is not persuaded. Similar to its assessment of the charges, the Commission's review of the penalty is *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate

notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007). In this regard, the Commission emphasizes that a law enforcement officer is held to a higher standard than a civilian public employee. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990).

Here, it is clear that the appellant, notwithstanding his arguments otherwise, or any purported mitigating factors, engaged in serious and dangerous misconduct. His breathalyzer test, which indicated a level more than twice the legal limit, is highly concerning. Further, the statement highlighted in his exceptions from his testimony that “I was truly unaware of the situation because I did not feel intoxicated” is equally concerning. Here, the appellant admitted that he had no issue driving after having consumed enough alcohol to test at more than twice the legal limit because he did not “feel” intoxicated. Further, as he pleaded guilty both to driving while intoxicated and failure to consent to take samples or breath, he cannot now argue in this forum any insufficiency to those charges. Moreover, the fact that he was cooperative and admitted to his mistake does not serve as a basis to reduce the original penalty, which appears eminently reasonable. Rather, it would appear to the Commission that those actions merely served to already lessen a penalty which could have been more severe. Finally, while it is commendable that the appellant has apparently had no disciplinary issues after the current matter, this fact does not serve as a mitigating factor. Rather, it is more appropriately considered evidence that the penalty imposed for this matter had its desired effect. Accordingly, the Commission finds the penalty of a 10 working day suspension neither disproportionate to the offense nor shocking to the conscious.

### ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Michael Bonner.

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 5<sup>TH</sup> DAY OF NOVEMBER, 2025




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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**

OAL DKT. NO. CSV 03325-25

AGENCY REF. NO. 2025-1600

**IN THE MATTER OF MICHAEL BONNER,  
CUMBERLAND COUNTY  
DEPARTMENT OF CORRECTIONS.**

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**Donna O'Brien**, Esq., for appellant, Michael Bonner (Alterman & Associates, LLC,  
attorneys)

**Jeffrey DiLazzero**, Assistant County Counsel, for respondent, Cumberland  
County Department of Corrections (John Carr, County Counsel)

Record Closed: August 27, 2025

Decided: September 30, 2025

BEFORE **SUSAN MCCABE**, ALJ:

**STATEMENT OF THE CASE**

On February 27, 2022, appellant, a correctional officer, drove his personal vehicle off-duty while intoxicated. May appellant be disciplined? Yes. A correctional officer is a special kind of public employee who represents law and order and may be disciplined for failure to exercise tact, restraint, and good judgment, even off-duty. See Moorestown Twp. v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965).

## **PROCEDURAL HISTORY**

On November 8, 2023, respondent, the Cumberland County Department of Corrections (Cumberland County), served appellant, Michael Bonner, with a Preliminary Notice of Disciplinary Action. In the notice, Cumberland County charges Bonner with N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, for violating Cumberland County Department of Corrections Policy (Cumberland County policy) 3.02(III)(T), a personal conduct violation; Cumberland County Department of Corrections Code of Ethics (Cumberland County code of ethics), Policy 4.13, Article 6, a private conduct violation; and Cumberland County code of ethics, Policy 4.13, Article 12, a professional conduct violation. Cumberland County also specifies that on September 6, 2023, Bonner pleaded guilty to driving while intoxicated and failure to consent to take samples of breath, and that the underlying actions resulting in these guilty pleas violated Cumberland County code of ethics Article 6 and Article 12. (R-1.) As a result, Cumberland County imposed a ten-working-day suspension. (R-1.)

On November 10, 2023, Bonner requested a departmental hearing, and on July 23, 2023, Cumberland County held the hearing.

On January 24, 2025, Cumberland County served Bonner with a Final Notice of Disciplinary Action sustaining the charges and specifications and imposing the ten-working-day suspension.

On February 3, 2025, Bonner appealed Cumberland County's determination, and on February 19, 2025, the Civil Service Commission transmitted this case to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On August 11, 2025, I held the hearing; on August 26, 2025, I received the closing brief from Bonner; and on August 27, 2025, I received the closing brief from Cumberland County and closed the record.

### **FINDINGS OF FACT**

Based on the testimony the parties provided and my assessment of its credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following as **FACT**:

Bonner has been employed by Cumberland County as a correctional officer since August 16, 2018. (R-7.)

On February 27, 2022, at 1:17 a.m., the New Jersey State Police pulled Bonner over for failing to maintain his lane of travel. Troopers approached the vehicle and detected a strong odor of alcohol. Troopers conducted two field sobriety tests, which Bonner was unable to complete successfully. As a result, the troopers arrested Bonner for driving under the influence of alcohol and took him to the Bridgeton police station.

At the police station, a trooper administered two breathalyzer tests. Bonner completed one successfully, which resulted in a reading of 0.19. The trooper attempted to administer a second breathalyzer test, but Bonner was uncooperative. Thus, Bonner was also charged with refusal and failure to consent to take samples of breath. (R-25.)

Bonner reported his arrest to his supervisor and cooperated with Cumberland County's requests for documents and interviews (R-7); however, Bonner failed to inform his supervisor that he worked an unknown number of days after his arrest without a valid driver's license.

On February 28, 2022, Cumberland County authorized an internal investigation. (R-4.)

On September 7, 2023, after multiple lengthy postponements, the municipal court adjudicated Bonner's charges. Bonner pleaded guilty to "driving while intoxicated" and "failure to consent to take samples of breath." The remaining charges of "refusal" and "unsafe lane change" were dismissed. Bonner's driver's license was revoked indefinitely,

and he was required to pay fines, attend classes, and install an interlock device in his vehicle. (R-7.)

On October 17, 2023, Investigator Paul D. Hoffman of Cumberland County's special investigations unit completed his internal investigation and concluded that Bonner violated Cumberland County's code of ethics. (R-4.)

### **CONCLUSIONS OF LAW**

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and its implementing regulations, N.J.A.C. 4A:1-1.1 to 4A:10-3.2. Public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). Among these general causes for discipline is "other sufficient cause." N.J.A.C. 4A:2-2.3(a)(12). Major discipline includes removal, demotion, or suspension for more than five consecutive working days, N.J.A.C. 4A:2-2.2(a), and its imposition depends upon the incident complained of and the employee's disciplinary record. W.N.Y. v. Bock, 38 N.J. 500, 522–524 (1962).

In appeals concerning major disciplinary action, the appointing authority bears the burden of proof. N.J.A.C. 4A:2-1.4(a). The burden of proof is by a preponderance of the evidence, Atkinson v. Parsekian, 37 N.J. 143, 149 (1962), and the hearing is de novo. Henry v. Rahway State Prison, 81 N.J. 571, 579 (1980). On such appeals, the Civil Service Commission may increase or decrease the penalty, N.J.S.A. 11A:2-19, and the concept of progressive discipline guides that determination. In re Carter, 191 N.J. 474, 483–86 (2007). The inquiry is "whether such punishment is 'so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one's sense of fairness.'" Id. at 484 (quoting In re Polk, 90 N.J. 550, 578 (1982)).

Cumberland County holds correctional police officers under its employ to an ethical standard that applies to their professional, public, and personal lives. The personal standard of ethics is delineated in Article 6 of its code of ethics, which provides that officers must be mindful of their special identification by the public as an "upholder of the

law.” Article 6 further provides that “laxity of conduct” in private life reflects upon both the officer and the department, and that officers “shall conduct their private lives so that the public will regard them as example[s] of stability, fidelity, and morality.”

The overarching theme of Article 6 is consistent with state law, which holds that both police and correctional officers are held to a higher standard of public and personal conduct than other citizens due to their community roles. In re Phillips, 117 N.J. 567 (1990). The higher standard of conduct required in both public and private life “is one of the obligations [law enforcement] undertakes upon voluntary entry into the public service.” In re Emmons, 63 N.J. Super. 136, 142 (App. Div. 1960). This is because law enforcement personnel are a “special kind of public employee,” called upon “to exercise tact, restraint and good judgment,” whether on duty or off. Moorestown Twp. v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965). As a result of this heightened standard, infractions committed by police and correctional officers will lead to major discipline. Chopek v. Bayside State Prison, CSV 00658-01, Initial Decision (May 10, 2002), adopted, Merit Sys. Bd. (June 26, 2002), <https://njlaw.rutgers.edu/collections/oal/>.

In this case, Bonner was arrested for driving while intoxicated, pleaded guilty to driving while intoxicated and failure to consent to take samples of breath, and was sentenced to an indefinite driver’s license suspension, classes, fines, and the installation of an interlock device. (J-4–16), (R-9, 18–22, 30–33.) In doing so, Bonner failed to live up to his ethical obligations. He did not uphold the law in both public and private life, and he did not conduct his private life as an example of stability, fidelity, and morality to the public. Therefore, I **CONCLUDE** that Bonner violated Article 6 of Cumberland County’s code of ethics and Cumberland County policy 3.02(III)(T).

Article 12 of Cumberland County’s code of ethics addresses professional conduct, which includes the requirement that officers “comply with all rules and regulations, post orders, policies and procedures, and any other specific order given by a Superior . . . .” In this case, Bonner worked as a correctional officer without a driver’s license in contravention of Cumberland County’s rules, regulations, policies, and procedures. Therefore, I **CONCLUDE** that Bonner violated Article 12 of Cumberland County’s code of ethics, and Cumberland County policy 3.02(III)(T).



While Bonner took responsibility for his actions on February 27, 2022, and cooperated with Cumberland County's investigation, he demonstrated poor decision-making that resulted in a dangerous situation. Bonner, however, has no prior discipline. Since Bonner has no prior discipline, I **CONCLUDE** that Bonner must be suspended for ten working days, which is proportional to the offense.

**ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that Bonner is suspended for ten working days.

I **FILE** this 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 case. 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 the other parties.

September 30, 2025

DATE

  
\_\_\_\_\_  
**SUSAN MCCABE, ALJ**

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

SM/dc/gd

## **APPENDIX**

### **Witnesses**

#### **For appellant**

Michael Bonner, appellant

#### **For respondent**

Paul D. Hoffman, Investigator, Special Investigations Unit,  
Cumberland County Department of Corrections

### **Exhibits**

#### **Joint**

J-1 August 11, 2025, Joint Stipulation of Facts

#### **For appellant**

None

#### **For respondents**

- R-1 November 8, 2023, Preliminary Notice of Disciplinary Action
- R-2 October 8, 2023, Union Representation Form
- R-3 October 30, 2023, Cumberland County Department of Corrections Special Investigations Unit Internal Investigation Review Sheet
- R-4 October 17, 2023, Cumberland County Department of Corrections Special Investigations Unit Conclusion Report
- R-5 October 17, 2023, Cumberland County Department of Corrections Internal Investigation Attachment Log
- R-6 February 28, 2022, Cumberland County Department of Corrections Special Investigations Unit Assignment Form
- R-7 February 28, 2022, Cumberland County Department of Corrections Special Investigations Unit Report

- R-8 January 1, 2019, Cumberland County Department of Corrections Code of Ethics, Policy 4.13
- R-9 February 27, 2022, Cumberland County Department of Corrections Memo
- R-10 February 28, 2022, NJ Automated Traffic System Ticket Inquiry Display
- R-11 April 29, 2022, NJ State Police eDiscovery System Ticket #139799
- R-12 May 5, 2022, Incident/Offense Report for Date of Incident/Offense 2.27.2022
- R-13 Undated, NJ State Police Discovery Required for All DWI Form
- R-14 February 27, 2022, Advisement of Constitutional Rights: Miranda Warning
- R-15 February 27, 2022, NJ State Police Potential Liability Warning/Summons
- R-16 Undated, NJ Attorney General's Standard Statement for Motor Vehicle Operators
- R-17 February 27, 2022, NJ State Police Drinking Driver/Operator Questionnaire
- R-18 February 27, 2022, Alcohol Influence Report Form; Summons
- R-19 February 27, 2022, Ticket Number 000891
- R-20 February 27, 2022, Ticket Number 000892
- R-21 February 27, 2022, Ticket Number 000893
- R-22 February 27, 2022, Ticket Number 000893
- R-23 February 27, 2022, NJ DMV Response
- R-24 February 27, 2022, NJ State Police Bridgeton Report
- R-25 February 27, 2022, NJ State Police Drinking Driving/Operating Report
- R-26 August 25, 2020, Photocopy of NJ Auto Driver License for Blanche Giraldo
- R-27 February 27, 2022, Photocopy of DVD
- R-28 August 9, 2022, NJ Automated Traffic System General Inquiry
- R-29 November 9, 2022, NJ Automated Traffic System General Inquiry
- R-30 September 6, 2023, Ticket Number 000891 CS Regional Court issued
- R-31 September 6, 2023, Ticket Number 000892 CS Regional Court issued
- R-32 September 6, 2023, Ticket Number 000894 CS Regional Court issued
- R-33 September 6, 2023, Ticket Number 000893 CS Regional Court issued
- R-34 Undated, Cumberland County Department of Corrections Internal Investigation Interview
- R-35 September 26, 2023, Cumberland County Department of Corrections Internal Investigation Warning

- R-36 September 26, 2023, DVD Video Case
- R-37 March 12, 1998, Cumberland County Board of Chosen Freeholders, Policy 3.02
- R-38 February 15, 1999, New Jersey Department of Corrections Human Resources Bulletin 84-17
- R-39 February 27, 2022, DVD Video Case