

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, it cannot be ignored that a Fire Fighter operates in the context of a paramilitary organization in which the ability to follow orders is crucial to saving lives. In *Karins v. City of Atlantic City*, 152 *N.J.* 532, 552 (1998), the Supreme Court stated:

[Fire Fighters] are not only entrusted with the duty to fight fire; they must also be able to work with the general public and other municipal employees, especially [P]olice [O]fficers, because the police department responds to every emergency fire call. Any conduct jeopardizing an excellent working relationship places at risk the citizens of the municipality as well as the men and women of those departments who place their lives on the line on a daily basis. An almost symbiotic relationship exists between the fire and police departments at a fire.

In the instant matter, the appellant voluntarily entered into a Last Chance Agreement (LCA) with the appointing authority that specified if any disciplinary charges are sustained against him between 2022 and 2027, the appellant would be immediately terminated. In June 2024, the appellant was charged with insurance fraud, a third-degree felony, and he was still on probation for the 2020 arrest that resulted in the subject LCA. In August 2024, while suspended, the appellant voluntarily went to Ventura, California, to treat his alcoholism. On September 14, 2024, against the advice of doctors, the appellant left the treatment facility, went to downtown Ventura, and became heavily intoxicated. Police Officers responding to the scene observed the appellant attempting to engage other people to fight him. When taken to jail to start the booking process, the appellant threatened grave bodily harm to the responding Police Officer, called him demeaning and derogatory names, and threatened to hit the Police Officer with the Police Officer's baton. He also told the Police Officers multiple times that he was a Fire Fighter in New Jersey and should be released. Therefore, the Commission finds that the charges of conduct unbecoming a public employee and other sufficient cause are sustained as the appellant's behavior falls well below the standard expected from a public employee. Additionally, the appellant's behavior is not excusable as the appointing authority removed him from employment because his conduct was unbecoming a public employee, not because he was intoxicated on the job or while on duty, which is not a violation of the Law Against Discrimination. Accordingly, the Commission finds that the penalty of removal is not disproportionate to the offenses committed.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of V.V.

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 21ST DAY OF JANUARY, 2026



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Director
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 10401-25

IN THE MATTER OF V [REDACTED] V [REDACTED],
NORTH HUDSON REGIONAL FIRE AND
RESCUE.

James M. Mets, Esq., for appellant (Mets, Schiro & Manetta, LLP, attorneys)

Angelo Auteri, Esq., **Brittany P. Tarabour**, Esq., and **Serafina Menna**, Esq.,
for respondent (Scarinci & Hollenbeck, LLC, attorneys)

Record Closed: December 1, 2025

Decided: December 6, 2025

BEFORE **PATRICE E. HOBBS**, ALJ:

STATEMENT OF THE CASE

V [REDACTED] V [REDACTED], a firefighter with the North Hudson Regional Fire and Rescue (the Regional), entered into a Last Chance Agreement (LCA) with the Regional, became intoxicated while in California, and was arrested and charged with intimidation. During his transport to jail, V [REDACTED] was rude and belligerent to police officers, threatening them with bodily harm. Must V [REDACTED] be terminated? Yes, under N.J.A.C. 4A:2-2.3, a public employee must conduct themselves in a manner that is morally and legally acceptable, and termination is appropriate.

PROCEDURAL HISTORY

On January 27, 2020, V [REDACTED] was arrested in Atlantic City and charged with simple assault, robbery in the second degree, and unlawful taking. As a result of those charges, V [REDACTED] was served with a Preliminary Notice of Disciplinary Action (Preliminary Notice AC) for violation of N.J.S.A. 2C:12-1A(1), N.J.S.A. 2C:15-1A(1) and N.J.S.A. 2C:20-3A, which were violations of N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause. On February 18, 2020, V [REDACTED] was suspended indefinitely by Final Notice of Disciplinary Action (Final Notice AC).

On September 6, 2022, V [REDACTED] entered into a Last Chance Agreement with the Regional because of the January 2020 incident. This agreement stated that any disciplinary charges sustained against V [REDACTED] will result in his immediate termination.

On March 19, 2025, V [REDACTED] was served with a Preliminary Notice of Disciplinary Action (Preliminary Notice) for violation of N.J.A.C. 4A:2-2.3(a)(1) Failure to Perform Duties; N.J.A.C. 4A:2-2.3(a)(2) Insubordination; N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming a Public Employee; N.J.A.C. 4A:2-2.3(a)(7) Neglect of Duty; and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause for two separate incidents: one in June 2024 and one in September 2024. In June 2024, V [REDACTED] was charged with insurance fraud, and since he was already on probation for the 2020 arrest, he was also charged with a violation of his probation. The Preliminary Notice was also served because he was arrested on September 14, 2024, in California, for fighting in a public place and for public intoxication. V [REDACTED], who was visibly intoxicated, had been asked to leave the bar, where he challenged patrons to fight, and when he was approached by police officers, he was belligerent toward the responding officers. He was arrested and charged with intimidation.

On May 14, 2025, the Regional served a Final Notice of Disciplinary Action (Final Notice) sustaining the charges. A departmental hearing was not requested. The appeal was perfected on May 30, 2025, and filed with the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. A docket number was assigned on June 17, 2025, and the case was assigned to

me on June 25, 2025. A prehearing conference was held on July 14, 2025. The parties agreed to a hearing date in September, post-hearing submissions within thirty days after the receipt of the transcripts, and an Initial Decision issued by December 31, 2025. On September 23, 2025, a hearing was held. Post-hearing transcripts were ordered but not received. On October 24, 2025, the parties were ordered to submit post-hearing briefs by December 1, 2025. Transcripts were received on November 13, 2025. On November 18, 2025, V [REDACTED] requested an extension of time to file post-hearing briefs, waiving any time limits under N.J.A.C. 4A:2-2.13. The Regional opposed the request, including the waiver, and the parties were ordered to file their post-hearing briefs by December 1, 2025. On December 1, 2025, post-hearing briefs were submitted, and on that date, I closed the record.

FINDINGS OF FACT

Based upon 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 **FACTS**:

V [REDACTED] has been a firefighter with the Regional since 2015. He completed eight weeks of training at the Morris County Fire Academy. His first assignment was Engine 4, Third Battalion. Assignments are twenty-four hours on duty and seventy-two hours off duty. During the twenty-four hours on duty, all the firefighters cook, eat and sleep together as a family. During his career, he has battled between ten and fifteen fires. V [REDACTED] also participates in community service by taking an engine to the schools and explaining fire safety to children.

On January 27, 2020, V [REDACTED] was arrested in Atlantic City and was charged with simple assault, robbery in the second degree and unlawful taking. He pled guilty to a disorderly persons charge and received five years of probation. The remaining charges were dismissed. In 2020, V [REDACTED] admitted himself to the Ambrosia Treatment Center (R-6) for inpatient alcohol treatment. As a result of the January 27, 2020, charges, on September 6, 2022, V [REDACTED] voluntarily entered into an LCA with the Regional (R-7), which specified that if any disciplinary charges are sustained against him between 2022

and 2027, V [REDACTED] will be immediately terminated with no possibility of future employment. From the time of his arrest to the time of the 2022 Last Chance Agreement, V [REDACTED] had been suspended.

In November 2023 (the Thanksgiving Fire), he was assigned to the supply engine. The Thanksgiving Fire was at a corner property, a two-story building. When he arrived on the scene, there were people hanging out of a window, and shortly thereafter, there was a loud explosion. It was not a normal fire. He heard "mayday" being called on the radio; there were missing firefighters, some of whom were severely injured. He was approximately twenty-five feet from the building when it exploded.

V [REDACTED] stated that he has been diagnosed with alcoholism. He stated he has also been diagnosed with generalized anxiety and post-traumatic stress disorder (PTSD). He stated that he was diagnosed by the International Association of Firefighters (IAFF) Center of Excellence for Behavioral Health Treatment and Recovery. He stated that the generalized anxiety was related to the 2020 arrest, and the PTSD was related to the Thanksgiving Fire. He did not provide the Regional with any documentation to support these diagnoses. During his tenure at the Regional, he was never offered any mental health treatment. He has never been charged with intoxication at work. V [REDACTED] has had one random drug and alcohol test, and he passed.

V [REDACTED] was on the active roster from September 2022 until June 2024. In June 2024, V [REDACTED] was charged with insurance fraud, which is a third-degree felony. At the time that V [REDACTED] was charged, he was still on probation for the 2020 guilty plea. As a result, he was also charged with a violation of probation. These two charges are still outstanding. V [REDACTED] was admitted into the Mental Health Diversion Program (MHDP). He is currently still participating in the MHDP, and upon successful completion, these pending charges will be dismissed.

In August 2024, while suspended from the Regional, V [REDACTED] voluntarily went to Ventura, California, for alcoholism. On September 14, 2024, against the advice of the doctors at the mental health facility, V [REDACTED] left the facility and went to downtown Ventura. V [REDACTED] had a lot to drink and was heavily intoxicated. V [REDACTED] does not recall

much from that night but recalls getting into a fight with three men. V [REDACTED] does not dispute the content of the videos from the body-worn cameras. V [REDACTED] is currently in treatment for his alcoholism and has not had any alcohol since September 14, 2024. On September 14, 2024, V [REDACTED] was arrested and charged with intimidation. V [REDACTED] completed an anger management course, and these charges were dropped.

Chief David Donnarumma has been the chief of the Regional for the past three years. Prior to that, he was deputy chief for ten years. He has been a firefighter since 1992. He is responsible for, among other things, leadership of the department, personnel, training, and fiscal management. Firefighters are expected to conduct themselves in a manner that displays courage, bravery, integrity, trust and respect. After a review of the California Police Report charging V [REDACTED] with intimidation, the discovery submitted with the report, and the body-worn camera videos, Donnarumma concluded that V [REDACTED] must be disciplined. Donnarumma has not received any documents to support V [REDACTED]'s claim of alcoholism or PTSD, nor has V [REDACTED] ever requested a reasonable accommodation for this disability.

Corporal Brian Gregory is employed by the Ventura Police Department, California. On September 14, 2024, he was the supervising officer who was overseeing the training of Patrolman Sammons. As the supervising officer, he was responsible for observing Officer Sammons, who was the responding officer on the night of September 14, 2024. Gregory was required to turn on his body-worn camera when responding to any call. Sammons was called to downtown Ventura for a bar fight. Downtown Ventura is a four- to seven-block area that has many bars, restaurants and shops. When Gregory arrived, he began recording with his body-worn camera. He observed V [REDACTED], who was visibly intoxicated. No sobriety tests were performed in the field. V [REDACTED] was detained because he was deemed a danger to the public. V [REDACTED] was attempting to engage other people to fight with him. He was taken to jail to start the booking process. However, due to his visible state of intoxication and high heart rate, V [REDACTED] had to be medically cleared for detention. V [REDACTED] told Gregory several times that he was a firefighter in New Jersey, that he was one of "them," and that he should be released. V [REDACTED] also threatened grave bodily harm on Gregory, called him demeaning and derogatory names, and threatened to take Gregory's baton and hit Gregory with it.

Officer Jerred Bartmann has been with the Ventura Police Department for five years. He is a former firefighter. He was called to the medical center to assist Officer Sammons and Corporal Gregory in transporting V [REDACTED] to the county jail. When he arrived at the medical center, V [REDACTED] was belligerent, rude, disrespectful, and visibly intoxicated. V [REDACTED] informed Bartmann that he was a firefighter and should not have been arrested. Bartmann transported V [REDACTED] to the jail to finalize booking. Bartmann did an internet search to determine V [REDACTED]'s current employer, and he notified the Regional of V [REDACTED]'s behavior.

Body-worn Camera X60AY1482, September 14, 2024, 23:55:20

Officers arrived carrying a stun gun. V [REDACTED] was seen on camera engaged in a verbal exchange with another person. V [REDACTED] is heard on camera identifying himself as a firefighter, apologizing for his behavior and saying that they were the "same." He was placed in handcuffs and taken to the police car. Officers assisted V [REDACTED] in the police car.

Body-worn Camera X60AY1482, September 15, 2024, 1:05:46

V [REDACTED] arrived at the main jail in handcuffs and was audibly rude and belligerent. V [REDACTED] cursed at Gregory. He was placed in the back of a police car. V [REDACTED] continued his belligerent behavior, cursing for over five minutes. He requested that Gregory remove the handcuffs so that he could engage in a one-to-one fight with Gregory. He threatened Gregory with grave bodily harm. V [REDACTED] continued to berate the police officers with abusive language and call them names. He was visibly and audibly rude and belligerent to Gregory.

Body-worn Camera X60AY1482, September 15, 2024, 1:22:00

V [REDACTED] continued to be extremely rude and belligerent with Gregory. V [REDACTED] continued to curse at Gregory for over three minutes.

Body-worn Camera X60AE1710T, September 15, 2024, 2:50:43

V [REDACTED] was attended to by the medical staff.

Body-worn Camera X60AE710T, September 15, 2024, 3:15:52

V [REDACTED] remained in handcuffs and requested to be taken to jail.

Body-worn Camera X60AE710T, September 15, 2024, 3:18:22

V [REDACTED] remained in handcuffs, shouting at the officers that his handcuffs were too tight. Bartmann confirmed that the handcuffs were not too tight. V [REDACTED] kicked the doors at the hospital and continued to curse at Bartmann. V [REDACTED] continued the verbal assault on Bartman for over fifteen minutes.

Body-worn Camera X60AE710T, September 15, 2024, 4:22:43

V [REDACTED] was slumped over on the bench and remained in handcuffs. He continued his rude and belligerent behavior toward Gregory.

CONCLUSIONS OF LAW

The Civil Service Act (the Act) and regulations promulgated under the Act 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:2-1.1 to 4A:2-6.2. A civil service employee who commits a wrongful act related to his or her duties or who gives other just cause may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.A.C. 4A:2-.2.3. Employees who are engaged in conduct unbecoming, among other things, are subject to discipline. N.J.A.C. 4A:2-2.3(a)(6).

The issues to be determined at the de novo hearing are whether V [REDACTED] is guilty of the charges brought against him and, if so, the appropriate penalty, if any, that should be imposed. Henry v. Rahway State Prison, 81 N.J. 571 (1980); W. New York v. Bock, 38 N.J. 500 (1962). In this matter, the Regional bears the burden of proving the charges

against V [REDACTED] by a preponderance of the credible evidence. In re Matter of Revocation of the License of Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962).

“Conduct unbecoming a public employee” includes conduct that “adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services.” In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Ibid. Such misconduct need not necessarily “be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)).

“Other sufficient cause” stems from a continuation of conduct unbecoming a public employee, increasing criminal history and progressive discipline history. Used as a catch-all provision in the Code, discipline does not have to be warranted because of a violation of any or all the rules of the department. It can be based upon the “standard of good behavior.” Hartmann, 258 N.J. Super. at 39–40.

It is unlawful to discharge or discriminate against “any person because such person is or has been at any time disabled or any unlawful employment practice against such person, unless the nature and extent of the disability reasonably preclude the performance of the particular employment.” N.J.S.A. 10:5-4.1. Employees with disabilities are entitled to the employment protections listed under N.J.A.C. 13:13-2.1 to 2.8. A reasonable accommodation must be provided unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business. Potente v. Cnty. of Hudson, 187 N.J. 103, 110 (2006). Alcoholism is a disability protected under the New Jersey Law Against Discrimination (LAD). Clowes v. Terminex Int’l, Inc., 109 N.J. 575, 590–95 (1988). An employee suffering from alcoholism must be afforded the protections of a disabled person and may not be discriminated against in their workplace unless their employer reasonably believes that the person

cannot perform the work in question because of their alcoholism. Id. An employer must afford an opportunity for rehabilitation to an employee handicapped by substance abuse. In re Cahill, 245 N.J. Super. 397, 401 (App. Div. 1991).

V [REDACTED] has had a checkered history in his ten-year tenure with the Regional. In 2020, he was arrested and criminally charged with simple assault, robbery in the second degree and unlawful taking. On September 6, 2022, because of those criminal charges, he voluntarily entered into a five-year LCA with the Regional. V [REDACTED] was one of the firefighters responding to the Thanksgiving Fire in 2023, and he stated that this fire caused his PTSD. In June 2024, while on probation for the 2020 arrests, he was charged with insurance fraud, and because that charge occurred during his five-year probationary period, he was also charged with violating his probation. In August 2024, V [REDACTED] voluntarily enrolled in an outpatient rehabilitation center in California. V [REDACTED] left the treatment center, went to downtown Ventura, and became intoxicated. Once intoxicated, V [REDACTED] attempted to engage other bar patrons in a fight, and the police were called. V [REDACTED] was rude and belligerent and cursed at the responding police officers. This conduct was significant enough that it resulted in his arrest. The outcome of those charges is immaterial. The undisputed behavior exhibited in the body-worn camera videos was extremely concerning and disturbing. V [REDACTED] was visibly intoxicated, rude, and belligerent; he cursed at police officers, called the officers derogatory names, threatened the police officers with bodily harm, and kicked the doors at the medical facility. He continued this behavior for more than two hours while in police custody. He threatened the officers with bodily harm multiple times. He told the officers multiple times that he was a firefighter in New Jersey and should be released.

Failure to Perform Duties, Insubordination and Neglect of Duty

V [REDACTED] was charged with violations of N.J.A.C. 4A:2-2.3(a)(1) Failure to Perform Duties, N.J.A.C. 4A:2-2.3(a)(2) Insubordination, N.J.A.C. 4A:2-2.3(a)(7) Neglect of Duty. The incident in California occurred while V [REDACTED] was off-duty, out of state, and not expected to report to work. There was no testimony or evidence presented that V [REDACTED] was required to report and failed to report or was even required to be in New Jersey at the time of his arrest. The overwhelming evidence and testimony presented by both

V [REDACTED] and the Regional revolves around V [REDACTED]'s conduct and behavior in California. No evidence or testimony was presented that V [REDACTED] has ever failed to perform any duties, was insubordinate to anyone at the Regional or was neglectful in his duty as a firefighter in any way. Based on the foregoing, I **CONCLUDE** that these charges must be dismissed.

Conduct Unbecoming and Other Sufficient Cause

V [REDACTED] was also charged with violations of N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming a Public Employee and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause. There is no dispute that the behavior exhibited on the body-worn cameras is not what is expected of a private citizen. The behavior exhibited falls well below the standard of the behavior expected from a public employee, regardless of whether the behavior was in another state.

Law Against Discrimination

V [REDACTED] argues that his behavior is excusable because he suffers from alcoholism, which is a disability under the LAD, and his behavior occurred because of this disability. V [REDACTED] further argues that because alcoholism is a disability protected by the LAD, he cannot be subject to an adverse employment action. However, there was no evidence to support his claim that he was formally diagnosed with alcoholism, that V [REDACTED] provided this diagnosis to the Regional, that the Regional had failed to provide reasonable accommodation in the workplace, or that V [REDACTED] was being terminated because of his disability. The LAD provides for the accommodation of disabled persons at their place of employment or in the performance of their duties. V [REDACTED] was not only off duty but also out of state for voluntary treatment at a medical center. V [REDACTED] also testified that he left the medical center against the advice of the treatment center. Here, the Regional is seeking to terminate V [REDACTED] because his conduct was unbecoming of a public employee, not because he was intoxicated on the job or while on duty.

Last Chance Agreement

V [REDACTED] further argues that he suffers from alcoholism, and since this incident, he has not had anything to drink and is continuing treatment for his disability. V [REDACTED] argues that he should be allowed a third chance. However, in 2020, V [REDACTED] admitted that his behavior then was because of his alcoholism. He was in treatment after that incident and could not maintain his sobriety between 2020 and 2024. V [REDACTED] has also not been able to remain free of criminal charges since 2020. To the contrary, in 2024, V [REDACTED] was charged with a third-degree felony and a violation of his 2020 probation. It is immaterial whether those charges are pending, dismissed or will be dismissed. The simple fact that he behaved in a manner that resulted in another arrest while on probation, and after he signed the LCA with the Regional, is sufficient in and of itself to warrant termination. It doesn't end there. V [REDACTED], to treat his disability, voluntarily went to California to attend a treatment program for his alcoholism. While in California to treat his alcoholism, he left the medical center, became intoxicated, attempted to instigate fights with members of the public, and was rude and belligerent to police officers, threatening them with bodily harm. For V [REDACTED], this incident was the wake-up call that encouraged him to get sober and remain sober. He has since remained sober.

Here, the Regional has sustained its burden of proof by a preponderance of the evidence that V [REDACTED]'s conduct was unbecoming conduct for a citizen and even more so for a public employee. Based on the foregoing, I **CONCLUDE** that the Regional has met its burden to support the charges of N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming a Public Employee and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause for his intoxication in California and his extremely egregious behavior towards other public employees.

Penalty

There is no constitutional or statutory right to a government job. State-Operated Sch. Dist. v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998). Civil Service employees' rights and duties are governed by the Civil Service Act, which provides that a public employee may be subject to major discipline for various employment-related offenses. N.J.A.C. 4A:2-2.3. In an appeal from a disciplinary action or ruling by an appointing

authority, the appointing authority bears the burden of proof to show, by a preponderance of the evidence, that the action taken was appropriate. N.J.A.C. 4A:2-1.4(a).

Termination is a major disciplinary action, and respondent 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. at 149, and the hearing is de novo, Henry v. Rahway State Prison, 81 N.J. at 579. 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). Progressive discipline need not be considered if the conduct is severe when it is unbecoming to the employee's position, renders the employee unsuitable for continuation in the position or when it is contrary to the public interest. In re Hermann, 192 N.J. 19, 33 (2007). The punishment must be so disproportionate to the offense as to be "shocking to one's sense of fairness." In re Polk, 90 N.J. 550, 578 (1982).

Courts have affirmed terminations of public servants for serious infractions or if they involve the safety of the public. Klusaritz v. Cape May Cnty., 387 N.J. Super. 305 (App. Div. 2006) (affirming dismissal of incompetent CPA despite no disciplinary record); In re Hall, 335 N.J. Super. 45 (App. Div. 2000) (sustaining dismissal for attempted theft); Cosme v. Borough of E. Newark Twp. Comm., 304 N.J. Super. 191 (App. Div. 1997) (affirming dismissal of police officer who took unauthorized paid vacation); Bowden v. Bayside State Prison, 268 N.J. Super. 301 (App. Div. 1993) (sustaining removal of prison guard who gambled with inmates for cigarettes); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967) (affirming dismissal of police officer based on his multiple instances of insubordination and careless handling of weapon).

Having concluded that the Regional has sustained the charges of Conduct Unbecoming and Other Sufficient Charges against V [REDACTED], the only remaining issue to be resolved is the penalty to be imposed. V [REDACTED] admittedly has a problem with alcohol and is in treatment. V [REDACTED] had been aware of his problem with alcohol since 2020, after the criminal charges in Atlantic City. As a result, in 2020, he voluntarily entered a treatment facility. In September 2022, V [REDACTED], with the advice of counsel, entered into a Last Chance Agreement, which requires his termination if any disciplinary charges are

sustained against him before 2027. The LCA is a binding contract. Irrespective of whether the LCA existed, V [REDACTED] has clearly engaged in egregious conduct that is unbecoming of a firefighter. For over three hours, he was rude and belligerent with police officers in California. He used offensive language, threatened bodily harm to the officers, and was seen kicking the doors on public property. His behavior is unacceptable, period. His behavior is even more unacceptable for a public employee.

V [REDACTED] argues that the LCA does not require his termination and that there are multiple cases where LCAs have been disregarded. V [REDACTED] further argues that his conduct in California was due to his disability, and he is therefore not subject to adverse employment actions. I am not persuaded.

In 2020, V [REDACTED] pled guilty to a disorderly person charge and was given five years of probation. That conduct was sufficient to warrant termination by the Regional. Instead, the Regional afforded V [REDACTED] a second chance: they entered into a Last Chance Agreement. Two years into this LCA, V [REDACTED] not only committed a third-degree felony, insurance fraud, but he also committed it while on probation for his 2020 guilty plea and was charged with a violation of probation. To compound matters, a few months later, V [REDACTED] went to California for treatment for his alcoholism, and, while sober, and against the advice of the facility, left the facility, became intoxicated, attempted to instigate fights with members of the public, was rude and belligerent to police officers, and threatened these police officers with grave bodily harm. He behaved this way, while being recorded on a body-worn camera, for more than three hours.

I therefore **CONCLUDE** that V [REDACTED] must be terminated from his position as a firefighter because the Regional has shown by a preponderance of the credible evidence that V [REDACTED] has engaged in egregious conduct unbecoming of a firefighter, regardless of the LCA. I further **CONCLUDE** that because there was a Last Chance Agreement based on conduct unbecoming from 2020, the Regional has shown by a preponderance of the credible evidence that V [REDACTED] must not be given a third chance and must be terminated for conduct unbecoming of a public employee.

ORDER

Based upon the foregoing, it is **ORDERED** that V [REDACTED] be **TERMINATED** from his position as a firefighter at the North Hudson Regional Fire and Rescue Department.

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 8, 2025
DATE

PATRICE E. HOBBS, ALJ

Date Received at Agency:

December 8, 2025

Date Mailed to Parties:

December 8, 2025

APPENDIX

Witnesses

For appellant:

V [REDACTED] V [REDACTED], petitioner

For respondent:

Fire Chief David Donnarumma
Officer Jerred Bartman (Ventura Police Department)
Corporal Brian Gregory (Ventura Police Department)

Exhibits

For appellant:

None

For respondent:

- R-3 Final Notice of Disciplinary Action, dated February 18, 2020
- R-4 Preliminary Notice of Disciplinary Action, dated January 31, 2020
- R-5 Atlantic City Discovery
- R-6 FMLA Request, dated April 2020
- R-7 Last Chance Agreement, dated 2022
- R-8 Final Notice of Disciplinary Action, dated May 14, 2025
- R-9 Preliminary Notice of Disciplinary Action, dated March 19, 2025
- R-10 Discovery for the Final Notice of Disciplinary Action, dated May 14, 2025
- R-11 Camera footage from the Ventura Police Department, dated September 14, 2024 (1482 and 710T)

The nonsequential numbering of exhibits reflects the fact that numerous pre-marked exhibits were neither identified nor offered into evidence.