



disrespected the deceased and violated their rights. However, the ALJ found that the appellant had not been insubordinate and had not failed to perform his duties. The ALJ also found that the appellant had not violated the social media policy as he had not posted nor instructed his friend to post the confidential personal information. Nonetheless, the ALJ determined that the appellant's actions damaged the first responders' and the public's view of the quality of work of the Office of the Medical Examiner, as well as the confidence they had in the office. Thus, the ALJ concluded that the appellant's actions were unbecoming a public employee. Moreover, the ALJ concluded that the appellant neglected his duty when he breached the non-disclosure agreement he had signed.

Furthermore, in determining the proper penalty, the ALJ indicated that the appellant had no prior disciplinary history in his 14 years of employment with the appointing authority. The ALJ also considered that the appellant had not posted the information on social media and that he had released confidential information to his friends due to his emotional state and their common connection to the victims. Additionally, the appellant immediately took accountability for his mistake and tried to mitigate the damage as much as he could. The ALJ indicated that these actions, coupled with no prior discipline and positive recommendations from his coworker and his supervisor demonstrated that the appellant was an individual who learned from this mistake and would not make one like it again. Therefore, the ALJ determined that the appellant's disciplinary violations were serious and warranted a serious consequence and concluded that a suspension of six months was appropriate.

In its exceptions, the appointing authority argues that the ALJ gave disproportionate weight to largely irrelevant facts, such as the appellant immediately taking accountability and attempting to mitigate the damage caused. In this regard, it contended that any attempts the appellant took to mitigate were irrelevant because no effort to mitigate could undo the harm his actions caused. Further, the ALJ afforded excess weight to the fact that the appellant had not posted the information on social media nor directed anyone to do it while finding that he had violated the non-disclosure agreement. The ALJ's focus on the appellant's mitigation ignored the irreversible damage his actions had caused. Moreover, the appointing authority maintains that the appellant's actions were egregious enough to warrant removal despite a lack of any prior discipline.

In his reply, the appellant argues that the appointing authority's exceptions lack any merit as the initial decision shows the ALJ carefully reviewed the record, made credibility determinations, weighed the evidence in the record and concluded that while he had committed a serious violation, a six-month suspension was the appropriate penalty.

Upon its *de novo* review of the record, the Commission does not agree with the ALJ's recommendation to modify the removal to a six-month suspension. In determining the proper penalty, in addition to considering the seriousness of the underlying incident in determining the proper penalty, the Commission utilizes,

when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). Although the Commission applies the concept of progressive discipline in determining the level and propriety of penalties, an individual's prior disciplinary history may be outweighed if the infraction at issue is of a serious nature. *Henry v. Rahway State Prison*, 81 N.J. 571, 580 (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 the instant matter, the appellant's prior disciplinary history does not serve as a mitigating factor due to the severity of the appellant's actions. The appellant's offense in the instant matter constituted a serious breach of the standard of conduct expected from all public employees who have access to confidential personal information. As the ALJ found, the appellant's actions led to a breach of confidential information that disrespected the deceased and violated their rights. Further, his actions damaged the first responders' and the public's view of the quality of work of the Office of the Medical Examiner, as well as the confidence they had in the office. In light of the seriousness and egregious nature of the appellant's conduct, the fact that he had been emotional, took responsibility for his actions, and tried to limit the damage, does not serve as mitigation in the instant matter. Accordingly, the Commission finds that the egregiousness of the appellant's conduct warrants a penalty of removal.

### 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 C.M.

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 25<sup>TH</sup> DAY OF FEBRUARY 2026



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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 01021-25

AGENCY DKT. NO. 2025-1313

**IN THE MATTER OF C [REDACTED] M [REDACTED],  
GLOUCESTER COUNTY MEDICAL EXAMINER.**

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**Justin Schwam, Esq.,** for appellant C [REDACTED] M [REDACTED] (Weissman & Mintz LLC,  
attorneys)

**Arlette Leyba, Esq.,** for respondent Gloucester County Medical Examiner's Office  
(Brown & Connery, LLP, attorneys)

Record Closed: October 27, 2025

Decided: December 10, 2025

**BEFORE ALLISON FRIEDMAN, ALJ:**

**STATEMENT OF THE CASE**

Appellant C [REDACTED] M [REDACTED], a death investigator for respondent Gloucester County Medical Examiner, released confidential investigation information to his friends but immediately took accountability and steps to mitigate his first mistake in fourteen years of employment. Must M [REDACTED] be terminated? No. Termination of a public servant is appropriate when progressive discipline has not been effective, and the punishment is not disproportionate to the offense in light of all the circumstances. In re Carter, 191 N.J. 474 (2007).

## **PROCEDURAL HISTORY**

On September 5, 2024, a Preliminary Notice of Disciplinary Action (PNDA) was served; on November 6, 2024, a departmental hearing was held; and on November 8, 2024, a Final Notice of Disciplinary Action (FNDA) was served, terminating M [REDACTED] effective September 23, 2024. Respondent charged appellant with five charges: incompetency, inefficiency, or failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause.

The charges on the PNDA and the FNDA are identical and arose from one incident that occurred on August 29, 2024. The charges allege that M [REDACTED] failed to safeguard confidential patient information when he sent the names of the victims of a fatal car accident, their dates of birth, their home addresses, and a police officer's personal phone number in a group chat with friends. One of his friends then published the text on social media.

On November 19, 2024, M [REDACTED] filed his appeal with the Civil Service Commission. On January 14, 2025, the Civil Service Commission transmitted the case to the Office of Administrative Law, where it was filed as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23. On September 4 and 8, 2025, I held the hearing. On October 27, 2025, closing briefs were received, and I closed the record.

## **DISCUSSION AND FINDINGS OF FACT**

C [REDACTED] M [REDACTED] began working for the Gloucester Medical Examiner's Office in 2011 at nineteen years old. Dr. [REDACTED] hired M [REDACTED] as a morgue technician and has supervised him as he has worked his way up to death investigator. [REDACTED] twenty-seven-year career began as a medical examiner for the Army, then he became the medical examiner for Salem County, and now that Salem County has merged with the Gloucester County office, he supervises that office.

██████ testified that although he hired M██████ at nineteen years old, he has known him since he was twelve years old. ██████ described M██████'s role as a death investigator as being his eyes and ears of an investigation, someone he depends on to complete his work. M██████ obtained all required certifications and has always had positive performance evaluations. A-6 through A-10. This is M██████'s first and only disciplinary matter in his career.

A death investigator's responsibilities begin when a call from police dispatch is received, providing basic information such as the location of the fatality, general information on the circumstances, the number of victims, and contact information for the police contact at the scene. Investigators report to various types of death scenes—almost all are tragic, and some are horrific. Once at the scene, the investigator will gather information that is needed to determine if the death should be investigated by the Medical Examiner's Office or if the deceased should be released for burial.

On August 29, 2024, M██████ worked the 7:00-a.m.-to-7:00-p.m. shift. M██████ extended his shift a couple of hours to cover for his coworker and live-in girlfriend, ██████. Despite working a couple of extra hours, M██████ expected to be able to play in his regular ice hockey game at 10:00 p.m. However, at 9:00 p.m., M██████ received a call from police dispatch that drastically altered his plans. The dispatcher informed M██████ of a fatal-accident scene that involved a car versus two bicyclists, the location of the accident, how the accident was reported, the names, addresses, and dates of birth for the two victims, and the cell phone number for State Trooper ██████, the contact for the accident. As M██████ wrote the information down, he immediately recognized the names of the victims. A-1 at 2. Both decedents were known locally and nationally, but M██████ knew them personally. M██████ had played ice hockey with both of them and looked up to them.

M██████ testified that he received the information in complete disbelief, never having taken a call so personal before. Thoughts, such as "this could have been me on my bike or a family member," began to pass through his mind. M██████ became emotional, and that emotion caused him to deviate from his normal process in two ways. First, he explained that due to his emotional state he texted a picture of his notes to his

ice hockey teammates, who also knew the victims, to inform them that he would not be at the game that evening. R-3; R-4. M [REDACTED] had no explanation for why he would send the picture in the text, other than that he was in disbelief and acted out of emotion.

Second, M [REDACTED] called [REDACTED]. M [REDACTED] explained that this decision was emotional, as well. He knew [REDACTED] was a friend of the victims' parents. [REDACTED], M [REDACTED]'s mentor and boss, asked him to let the family know that he would come in on his day off to complete the autopsies to ensure that these investigations would be handled in a respectful and expeditious manner. [REDACTED] reminded M [REDACTED] that they both had a job to do and did not ask M [REDACTED] if he was emotionally capable of continuing the investigation.

M [REDACTED]'s coworker, [REDACTED], had heard the dispatch call on a first-responder communication channel and offered to accompany M [REDACTED] and help with the investigation. M [REDACTED] picked up his coworker and headed to the scene. After he completed his investigation at the scene, M [REDACTED] returned to his coworker's home and went into the office and completed his reports. No one had a concern with the work M [REDACTED] submitted on the case other than the release of confidential information.

At some point and unknown to M [REDACTED], someone in his hockey group chat posted M [REDACTED]'s text on their X account (formerly Twitter). That post then began to have a social-media presence.

At about 3:30 a.m. on August 30, 2024, M [REDACTED] received a call from a sergeant from the Woodstown Barracks of the New Jersey State Police. The sergeant was very upset and asked M [REDACTED] if he knew what he had done. The sergeant explained Trooper [REDACTED] received ten or twelve phone calls on his cell phone from the media inquiring about the accident. M [REDACTED] now realized the content of the information he had sent in the group chat. In response, M [REDACTED] immediately called senior death investigator [REDACTED] and told her he "fucked up." 2T59:2-6. This call from M [REDACTED] to [REDACTED] was about 2:30 a.m. [REDACTED] suggested that he write a statement because something would come of this. M [REDACTED] emailed his statement, attaching a copy of the text he had sent in the group chat, to both [REDACTED] and the director of Health and Human Services for Gloucester County, [REDACTED], from [REDACTED] account at 6:43 a.m. A-1. After hangin

up with M [REDACTED] [REDACTED] called her supervisor, [REDACTED]. This call was about 3:00 a.m.. [REDACTED] did not answer the phone. The testimony of M [REDACTED] and [REDACTED] is consistent— M [REDACTED] took immediate accountability and wanted to do whatever he could to mitigate the problem.

[REDACTED] testified that she has known M [REDACTED] for about seven years. [REDACTED] called [REDACTED] back at about 6:00 a.m., having missed the 3:00-a.m. call. [REDACTED] explained the information she had received from M [REDACTED]. [REDACTED] requested that [REDACTED] provide her with anything about the incident that was online. One of [REDACTED] responsibilities is to enforce the policies for the Medical Examiner's Office. [REDACTED] acknowledged that there is no policy on what to do when a death investigator is called to a case that presents a conflict, as this case did for M [REDACTED]. This incident is the first of its kind. However, [REDACTED] explained that it is expected that when a conflict is present, the death investigator should activate the backup on-call investigator to take the case. 1T98:25-99:9. However, there is no indication M [REDACTED] ever received training on this expectation. When hired and as a condition of his employment M [REDACTED] signed a non-disclosure agreement agreeing to the obligation to keep the information learned through his employment confidential. R-7. [REDACTED] explained that after this incident there was negative chatter among the agencies about the release of confidential information, which is one of the reasons the administration believed M [REDACTED]'s termination is justified. 1T74:3-11.

At about 6:30 a.m., [REDACTED] took a call from [REDACTED], the Management and Inspection Unit coordinator for the New Jersey Office of the Chief State Medical Examiner. [REDACTED] received a call from the deputy superintendent of the State Police, Lieutenant [REDACTED] [REDACTED], who was "very upset with the situation." 1T38:10-21. Specifically, Lieutenant [REDACTED] [REDACTED] called upset that Trooper [REDACTED]'s cell phone number had been leaked on social media, and that the Trooper had received ten to twelve calls and some text messages regarding the double fatality. [REDACTED] recalled finding three or four articles regarding the incident online. 2T10:1-10. [REDACTED] suggested suspending M [REDACTED]'s access to the case-management system that contains confidential information.

██████ relayed the conversation to ██████, who advised that M██████ should be removed from the schedule and that the Gloucester County Prosecutor's Office should be informed of the same. ██████ also emailed ██████ the information she found online. One item was a screenshot of M██████'s notes (the text he had sent), and the other was a Reddit article with comments. R-4. Two months later, ██████ wrote a recommendation for M██████ and sent it to M██████'s union representative. A-4. In that recommendation, ██████ characterized M██████ as a dedicated, hard worker and a team player who improves and corrects his performance when receiving corrective action. As a person, ██████ described M██████ as someone who is willing to do for others and is compassionate and caring. Ibid.

The facts are largely not in dispute, mostly due to M██████'s immediate accountability and immediate communication with his superiors. Rather, the dispute here is the level of discipline that is appropriate. ██████ testified that other agencies would have trust issues working with M██████. 1T73:17-25. The basis for her belief seems to be the negative chatter she had heard after this incident. However, the County presented no witnesses to support that testimony and it is contrary to ██████ opinion.

██████ testified on M██████'s behalf. ██████, the professional who depends on M██████, stated that he had no reservations about working with M██████. ██████ elaborated that he believes in learning from mistakes and providing training rather than termination. ██████ has known M██████ since he was twelve years old, and he has trained him, worked with him, and depended on him to do his job. He does not have a concern about trusting M██████ and believes he has learned his lesson. ██████ additionally detailed how M██████'s absence has adversely affected the office.

M██████ testified on his own behalf. M██████, consistent with his actions at the time of the incident took accountability for that mistake. Additionally, M██████ explained how much this profession and his career mean to him and how ashamed and remorseful he was for not handling the investigation appropriately. M██████ explained that this is his chosen career, and he understands that what he did was wrong. He appreciates the negative impact that releasing confidential information about the victims and first responders had and could have had.

Therefore, I **FIND** the following facts. M [REDACTED] released personal and confidential information of the Trooper (his cell phone number) and the names, dates of birth, and addresses of the deceased. However, M [REDACTED] did not post the information to social media or direct any other person to post to social media. I further **FIND** that M [REDACTED] took immediate accountability, attempted to mitigate the wrong he had done, and all other work on this case met expectations. Additionally, I **FIND** M [REDACTED] is remorseful, a valued employee, and has learned from his mistake. Lastly, I **FIND** M [REDACTED] has no prior discipline history in his fourteen years of employment.

### CONCLUSIONS OF LAW

A civil service employee may be subject to discipline, including removal for neglect of duty, inability to perform duties, or insubordination. N.J.A.C. 4A:2-2.3. Respondent charged appellant with five charges: incompetency, inefficiency, or failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause (violation of a policy or procedure). In such cases, the respondent has the burden to establish by a preponderance of the credible evidence that the appellant committed the charged infractions. Atkinson v. Parsekian, 37 N.J. 143, 149 (1962).

The term "unbecoming conduct" has been broadly defined and recognized as conduct that adversely affects the morale or efficiency of the government unit or workplace or has the tendency to destroy the public's respect for public employees and destroy the public's confidence in the delivery of public services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). The administrative code does not define neglect of duty and what would constitute a violation of neglect of duty. The term "neglect" imports a deviation from normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). Neglect of duty implies that a public employee has not performed a required official duty. It is not merely the fact that an employee has done something imprudent. Rushin v. Bd. of Child Welfare, 65 N.J. Super. 504, 515 (App. Div. 1961).

Here, as an employee of the Gloucester County Medical Examiner's Office, M█████ signed a non-disclosure agreement. Despite that agreement, he provided confidential information to his friend group. Specifically, he disclosed the decedents' names, dates of birth, and addresses, as well as a first responder's personal cell phone number. M█████ neither posted the information to social media nor intended to have it posted to social media. Regardless of M█████'s intention for the breach to be limited to his friend group, by sending it to his friends, he and the County lost control of the information. This resulted in personal confidential information being posted on social media. Given the celebrity status of the victims, it is not surprising that the social media post resulted in both the officer and the State Police receiving several phone calls from the media. Although there was no testimony from the victims' family members regarding any consequences suffered due to this breach, the breach disrespected the deceased and violated their rights. Since this breach created a social-media footprint, the fallout is visible to the public to this day.

M█████ did not fail to follow the instructions of a supervisor. In fact, he never received any instruction on how to handle a case as personal to him. Therefore, I **CONCLUDE** that he was not insubordinate. M█████ did not post to social media, nor did he direct his friend to post to social media. Therefore, I **CONCLUDE** that he did not violate the social media policy. M█████ did not fail to perform his duties; in fact, he finished all his reports on this case prior to being locked out of the case-management system. Therefore, I **CONCLUDE** that he did not fail to perform his duties.

For the Medical Examiner's office to function properly, it must be able to work hand-in-glove with the other agencies it regularly works with. Sending confidential information about the decedents and a first responder adversely affected the morale and efficiency of the County Medical Examiner's Office. M█████'s actions damaged the first responders' and the public's view of the quality of work of the Medical Examiner's Office and confidence in the Medical Examiner's Office. Therefore, I **CONCLUDE** that M█████'s actions were unbecoming of a public employee. N.J.A.C. 4A:2-2.3(a)(6). I further **CONCLUDE** that M█████ neglected his duty when he breached the non-disclosure agreement he signed, in violation of N.J.A.C. 4A:2-2.3(a)(7).

Although this is M [REDACTED]'s first and only disciplinary matter, it is very serious. However, when imposing penalties, State agencies have long considered progressive-discipline principles, which are based on the notion that "past misconduct can be a factor in the determination of the appropriate penalty for present misconduct." In re Herrmann, 192 N.J. 19, 29 (2007). However, progressive discipline is not to be followed without question. Rather, the appropriate test to be applied is whether the punishment is so disproportionate to the offense in light of the circumstances as to shock one's sense of fairness. In re Carter, 191 N.J. at 484 (citing In re Polk, 90 N.J. 550, 578 (1982)).

In determining an appropriate penalty, I consider the actions of M [REDACTED], his accountability and mitigation, [REDACTED]'s desire to continue to work with him, the lack of policy and training provided regarding investigating cases where there is a personal connection, and M [REDACTED]'s lack of any prior discipline.

M [REDACTED] did not post the information on social media or intend for it to be posted on social media. M [REDACTED] released confidential information to his friends due to his emotional state and their common connection to the victims. As soon as the confidentiality breach was brought to his attention, M [REDACTED] immediately recognized that he had done something seriously wrong. He immediately took accountability and tried to mitigate the damage as much as he could. These actions, coupled with no prior discipline and positive recommendations from his coworker [REDACTED] and his supervisor and mentor [REDACTED], demonstrate that M [REDACTED] is an individual who has learned from this mistake and will not make one like it again. Additionally, it is now abundantly clear to M [REDACTED] that under no circumstances should confidential information be released.

Therefore, I **CONCLUDE** that M [REDACTED]'s disciplinary violations are serious and warrant a serious consequence short of being terminated. I further **CONCLUDE** that a suspension of six months is appropriate.

#### **ORDER**

I **ORDER** that M [REDACTED] be suspended from his position of death investigator with Gloucester County for six months.

I further **ORDER** that M [REDACTED] be awarded back pay for any period he has been out of work without pay due to this disciplinary action that exceeds the six month suspension I have ordered.

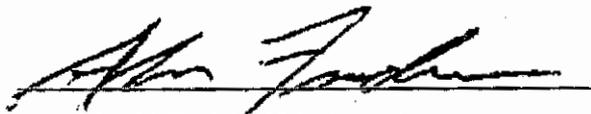
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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.

December 10, 2025

DATE



ALLISON FRIEDMAN, ALJ

Date Received at Agency:

December 10, 2025

Date E-Mailed to Parties:

December 10, 2025

AF/ml

**APPENDIX**

**Witnesses**

**For appellant:**

Dr. [REDACTED]

C. M. [REDACTED]

**For respondent:**

[REDACTED]

[REDACTED]

[REDACTED]

**Exhibits**

**Joint:**

- J-1 PNDA, dated September 4, 2024
- J-2 FNDA, dated November 8, 2024
- J-3 Stipulated Facts, signed September 2, 2025

**For appellant:**

- A-1 Email from [REDACTED] to [REDACTED], dated August 30, 2024, with attachment (duplicate of R-2 not moved into evidence)
- A-2 Notes Application version of A-1
- A-3 Letter from C. M. [REDACTED] to [REDACTED], dated September 6, 2024
- A-4 Email from [REDACTED], dated October 23, 2024
- A-5 Email from [REDACTED], dated October 23, 2024
- A-6 C. M. [REDACTED] Performance Evaluation for 2019
- A-7 C. M. [REDACTED] Performance Evaluation for 2021
- A-8 C. M. [REDACTED] Performance Evaluation for 2022
- A-9 C. M. [REDACTED] Performance Evaluation for 2023

- A-10 C. M. [REDACTED] certificates
- A-11 2019 ABMDI Registry Results

For respondent:

- R-1 M. [REDACTED]'s Statement
- R-2 M. [REDACTED]'s email statement
- R-3 Screenshot of M. [REDACTED]'s group text
- R-4 Screenshot of Reddit post
- R-5 M. [REDACTED]'s released notes
- R-6 [REDACTED] August 30, 2024, email
- R-7 Signed Statement of Confidentiality & Nondisclosure of Information
- R-8 Gloucester County Policies (Social Networking and Media, Discipline, and Inappropriate Behavior)
- R-9 CSC Job Description for Investigation for County Medical Examiner's Office