



STATE OF NEW JERSEY

In the Matter of Christopher Cevallos,
Department of Law and Public Safety,
Division of State Police

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-2272
OAL Docket No. CSV 02411-22

ISSUED: APRIL 7, 2026

The appeal of Christopher Cevallos, a Guard with the Department of Law and Public Safety, Division of State Police, of his removal, effective March 1, 2022, on charges, was heard by Administrative Law Judge Joan M. Burke (ALJ), who rendered her initial decision on February 9, 2026. No exceptions were filed.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on March 18, 2026, adopted the ALJ's Findings of Fact and Conclusions of Law and her recommendation to uphold the appellant's removal.

ORDER

The Civil Service Commission finds that the appointing authority's action in removing the appellant was justified. The Commission, therefore, affirms that action and dismisses the appeal of Christopher Cevallos.

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 18TH DAY OF MARCH, 2026

Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
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Dulce A. Sulit-Villamor
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 02411-22
AGENCY DKT. NO. 2022-2272

**IN THE MATTER OF CHRISTOPHER CEVALLOS,
DEPARTMENT OF LAW AND PUBLIC SAFETY,
DIVISION OF STATE POLICE.**

Robert R. Cannan, Esq., for appellant Christopher Cevallos (Markman & Cannan, LLC, attorneys)

Christopher J. Chiacchio, Deputy Attorney General, for respondent Division of State Police (Jennifer Davenport, Acting Attorney General of New Jersey, attorney)

Record Closed: November 21, 2025

Decided: February 9, 2026

BEFORE **JOAN M. BURKE**, ALJ:

STATEMENT OF THE CASE

Christopher Cevallos (appellant) appeals from disciplinary action taken by respondent, Division of State Police (State Police), to remove him from his position as a security guard. Appellant is charged with insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); and neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7). The charges relate to

circumstances that occurred on March 7, 2021, September 7, 2021, September 15, 2021, September 27, 2021, and November 25, 2021.

PROCEDURAL HISTORY

Appellant was served with a Preliminary Notice of Disciplinary Action (PNDA) on January 25, 2022, charging him with insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); and neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7). The incident that gave rise to the aforementioned charges occurred as follows: on March 7, 2021, he was observed sleeping at his desk; on September 7, 2021, he reported that his State-issued ID and guard equipment had been stolen/destroyed by his girlfriend—he was directed to obtain a police report, which he failed to do; on September 15, 2021, he was directed by his supervisor to return to his girlfriend's residence along with the local police department and retrieve any remaining items and note which ones were missing, which he failed to do; on September 27, 2021, he was ordered to notify the local police department that he had recovered the missing gear, which he failed to do; and on November 25, 2021, he failed to work on an overtime detail and failed to inform his supervisor that he would not be working the overtime detail. Appellant did not request a departmental hearing. A Final Notice of Disciplinary Action (FNDA) was issued on February 15, 2022, substantiating all the charges. Appellant filed an appeal on March 17, 2022, which was granted by the Civil Service Commission on or about March 18, 2022.

The appeal was transmitted to the Office of Administrative Law (OAL), where it was filed on March 22, 2022, 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. The case was first received for handling by the Honorable David Fritch. However, he was elevated to the Superior Court. The matter was received for further handling by the undersigned on January 9, 2023. After several case-management conferences and adjournments of the hearing due to trial conflicts of counsel, the hearing was held on July 24, and July 25, 2025. The record was held open for post-hearing summations. Extensions were requested to submit respondent's closing summation. Respondent's submission was received on November 21, 2025; nothing was

received from appellant. The record closed on November 21, 2025. An extension was granted for the filing of the initial decision.

FACTUAL DISCUSSION AND FINDINGS

Testimony

For respondent:

Christopher Hernandez (SSO Hernandez) is a senior security officer who was hired in September 2001 as a security guard with the Division of State Police. He became a senior security officer (SSO) in 2021. As an SSO, his duties include paper evaluation, administering overtime, field evaluation, and reviewing requests for time off. SSO Hernandez testified that he had been appellant's immediate supervisor since 2017. In the instant case, the charges stem from three incidents that this tribunal has designated as the "March 7, 2021, Incident," the "Gear Incident," and the "Thanksgiving Overtime Incident."

March 7, 2021, Incident:

SSO Hernandez testified that he was familiar with the incident that occurred on March 7, 2021. SSO Hernandez was informed by the building manager that he found appellant sleeping at his post. The building manager had to physically wake him up. SSO Hernandez testified that he discussed this incident with his supervising trooper, Trooper Basista. In consultation with Trooper Basista, he wrote up a Performance Notice (PN) and issued it to appellant on March 11, 2021. (R-55.) The PN states in part:

You are hereby being reprimanded for an incident which took place on Sunday March 7th, 2021. It was brought to our attention by a building employee that you were sleeping while on post, at the 1st floor lobby Security desk. This was during your OSGS assigned overtime shift, from 7A -3P, at 438 Summit Ave. This employee noted to OSGS Supervision that

said employee attempted to wake you several times to no avail.

[R-55.]

The PN further states that appellant was in violation for Article II, Section #2 and Article III, Section #2, Subsection a, of the New Jersey State Police Rules and Regulations handbook. (Ibid.) Appellant signed the PN acknowledging that he did violate this rule.

Gear Incident:

SSO Hernandez testified that appellant called him while he was at home and told him that there was an incident with appellant and his girlfriend and he chose to leave his home. Because of that, appellant's girlfriend threw his work gear in the garbage. (1T 32:1-6.) SSO Hernandez eventually found out that the gear/uniform was not stolen; however, appellant was arrested for domestic violence that evening; he lied that his girlfriend had thrown out the gear. (1T 33:2-15.) SSO Hernandez discussed this incident with Trooper Basista and was told to complete a PN. Together, SSO Hernandez and Trooper Basista completed a PN. The PN was issued on September 28, 2021, and appellant refused to sign it. (R-57.) The PN stated that appellant had violated Article II-Section #2; Article III, Section #1, Subsection c; and Article III, Section #2, Subsection a. (Ibid.) According to SSO Hernandez, the PN was issued because appellant lied about his gear being stolen.

Thanksgiving Overtime Incident:

SSO Hernandez testified that he had assigned Thanksgiving overtime to appellant. Two weeks prior to the holiday, two of his guards came to him and told him that appellant told them he was not going to work. SSO Hernandez testified that he called appellant several times regarding what he was told by the security guards. Appellant did not respond to the calls. It was not until he left a message stating that he was going to pull his overtime (OT) that appellant returned his call. Appellant had a conversation with a colleague wherein appellant said he was not going to work the OT on Thanksgiving. SSO Hernandez asked him if he still wanted the OT, and he said "Yeah, you can't give my

overtime away.” (1T 37:1–8.) SSO Hernandez told appellant it was still his if he wanted it. Appellant then said, “No, I don’t want it.” (Id. at 10–11.) SSO Hernandez later on received a call from the union representative, who asked about this incident, as it is a violation to take away someone’s OT. SSO Hernandez told her what he had done regarding his call with appellant. SSO Hernandez said he was told by the union representative that nothing further would happen.

SSO Hernandez said it is important to know in advance who is covering holidays and weekends; if not, at the last minute they would be required to get someone to work. He discussed the situation with Trooper Basista. Together they decided to prepare a PN. The PN was issued on November 15, 2021. (R-61.) It states that appellant was:

being reprimanded for Insubordinate and Disrespectful conduct towards your immediate supervisor at your current duty assignment. On this date you had contacted your Union President to complain that your supervisor, SSO Hernandez, had taken away your assigned overtime detail on 11/25/2021 without cause. This claim was in fact false.

[Ibid.]

The PN further states that appellant violated Article II, Section #2 and Article III, Section #1, Subsections e and d. (Ibid.)

On cross examination SSO Hernandez testified he never had a grievance filed against him. He did receive a call from the union president regarding the Thanksgiving OT matter with appellant. SSO Hernandez testified that he told the union president what happened. There was no grievance filed as a result. SSO Hernandez admitted that although the PNDA indicated that appellant failed to work the OT detail, this was not correct, because it was assigned to another security officer. (1T 51:1–11.)

SSO Hernandez testified that he has no input on what gets written in the PNDA or FNDA. (J-1; J-2.) SSO Hernandez was asked if he was familiar with the “45-day rule,” to which he stated he was not familiar. SSO Hernandez testified that “counseling,” as noted on the PN, is a form of discipline. SSO Hernandez recounted that on March 7,

2021, the building manager reported that he found appellant sleeping. The manager stated that appellant made some noise, but he did not wake up. SSO Hernandez did not receive nor was he required to obtain something in writing from the building manager that reported the sleeping incident. He admitted on redirect that sleeping on the job was a violation of the State Police Policy and Procedures.

Christopher Basista (Trooper Basista) is a New Jersey State Trooper. His direct duties include supervising the New Jersey State Police Office of Governmental Security Civilian Guard Staff, handling all calls for service in all three state house facilities, handling police calls that range from motor vehicle accidents, medical assists for employees, assaults, warrant arrests, and criminal investigations, and directly supervising thirty security guards. (1T 79–80:1–2.) Trooper Basista is one of appellant’s supervisors. SSO Hernandez is appellant’s direct supervisor. According to Trooper Basista, the security guards’ duties include providing building security, signing in all visitors, monitoring the phones, relaying information, monitoring the CCT cameras, and rendering medical assistance if necessary. The NJ Police Rules and Regulations are issued to all the security guards. (R-7.) The NJ State Police Operational Manual is also issued to the guards. (R-8.)

March 7, 2021, Incident:

On March 7, 2021, it came to his attention from SSO Hernandez that the building manager Alex Michelle reported that he found appellant sleeping at his desk. The building manager had to physically wake appellant up. Once appellant woke up he “became very agitated and very disrespectful and nasty with Mr. Michelle.” (1T 86:16–24.) Trooper Basista testified that he directly spoke with property manager Michelle, who personally relayed the sleeping incident to him in person. He spoke with his immediate supervisor, Sergeant Wasiewicz, who recommended immediate discipline against appellant. (1T 87:4–9.) According to Trooper Basista, there was no reason for Michelle to lie. He then drafted the PN with SSO Hernandez. (See R-55.) Sleeping at the desk is a severe violation in that the member is incapable of providing service at his assigned post. Moreover:

He is a danger with regards to securing the building and securing the facility and any employees that might be working on that day. If someone was to look to do harm to the building itself, if someone was looking to do harm to somebody in the building, which we have dealt with numerous times since . . . 2020. . . . He's not monitoring the CCT cameras. He is not monitoring any threats to the building.

[1T 91:15–25; 92:1–6.]

Section 6 of the New Jersey State Police Operational Manual (operational manual) deals with progressive discipline. (R-8.) If the violation is not egregious, it starts off with a verbal warning and then it escalates to a PNDA, which is a written reprimand that can lead to suspension or termination. Appellant was caught sleeping behind the desk two other times. (See R-31 and R-32.)

Gear Incident:

Trooper Basista testified that the gear incident occurred in September 2021, after Labor Day Monday. He received a call from SSO Hernandez that appellant was arrested at his girlfriend's home for domestic violence. He informed Sergeant Wasiewicz immediately, who advised him to call Cevallos to obtain details as to what had occurred. He called appellant, who told him he had gotten into a fight with his girlfriend and was arrested. Between the date of his arrest and the day he spoke with Cevallos, the girlfriend, [REDACTED] (Ms. [REDACTED]), took possession of all of his issued duty gear, including his security badge, NJ state-issued IDs, and his swipe cards, and destroyed them in the weekly trash pickup. Appellant informed him that he could not go back to the residence because Ms. [REDACTED] had filed a temporary restraining order (TRO) against him. (1T 102:19–25; 103:1–12.)

Trooper Basista directed appellant to make a police report with the Little Ferry Police Department (PD) detailing the incident against the girlfriend because by destroying his gear she had committed an indictable offense. Cevallos failed to do this. On September 7, 2021, Trooper Basista completed a "Special Report." It was titled, "OSGS Member Arrest and Destruction of Issued OSGS Gear." (See R-3.) The report was completed with the captain of the Little Ferry PD. The Little Ferry PD prepared a

supplemental investigation report on September 15, 2021. (R-5.) The supplemental report stated that “on 9/15/21 at approximately 09:30 hours Cevallos arrived at police headquarters. Cevallos turned over his work issued clothing and equipment. . . .” (R-5.) All of his gear was eventually returned. Trooper Basista said that they concluded that appellant was lying about the destruction of his gear. After speaking with Sergeant Wasiewicz, Trooper Basista with SSO Hernandez prepared a PN dated September 28, 2021. (R-57.) Appellant refused to sign this PN.

Thanksgiving Overtime Incident:

Trooper Basista testified that SSO Hernandez came to him and informed him that appellant accepted OT on Thanksgiving Day but was not going to show up. SSO Hernandez reportedly called him several times, and only when he called and told him that he was taking his OT away did he return the call. Appellant reported to the union president that his OT was taken away. Trooper Basista spoke directly with the union president and told her what had occurred. The union president did not file a grievance. After discussion with Sergeant Wasiewicz, Trooper Basista prepared a PN for, among other things, “baseless and false complaint” to the union president. The PN was issued on November 15, 2021. (R-61.) According to Trooper Basista, all of the PNs are reviewed in regard to progressive discipline. He is usually ordered to compile an individual’s personnel folder; once it is compiled, it goes to Labor Relations for assessment. Trooper Basista does not draft PNDAs or FNDAs. He only reviews PNDAs or FNDAs when it is time to issue them. The FNDA was served by Trooper Basista’s squad mate on February 15, 2022, to the appellant. (J-1; J-2.)

On cross-examination Trooper Basista was asked if he was familiar with the forty-five-day rule to bring charges against a target of an administrative investigation, to which he said no. (2T 6:6–10.) He usually works the day shift, Monday to Friday. Trooper Basista testified that it would not be a problem if he had to work Thanksgiving. Trooper Basista testified that security guards and their supervising security guards are not enlisted members. However, he is an enlisted member, and he gives the guards the OK to use their cell phone if it is noticed that they are using it a lot. He did enforce this with appellant.

Trooper Basista testified that the first person a security guard would call if he was taken off OT duties would be his supervisor. Trooper Basista testified that March 7, 2021, was a Sunday and reiterated that Cevallos was the only security guard working, and he was found sleeping. Cevallos' duties include manning the phones. He is allowed to go to the bathroom; he also does building tours; however, Trooper Basista prefers the guards not to do tours of the building if they are the only guard on duty. Trooper Basista took part in writing the PNs that were issued to appellant. Trooper Basista reiterated that the PN is used as part of progressive discipline, which could lead to removal.

Regarding the Thanksgiving OT, Trooper Basista insisted that appellant called Ms. Sai, the union president, who called him. Trooper Basista informed her about the situation. Ms. Sai told him that the union would not pursue any sort of complaint against SSO Hernandez based on appellant's claim that his OT was taken away from him because that was not the case. (2T 29:1-5.)

As to the gear incident, Trooper Basista testified that the value of the gear was approximately \$500 and appellant's girlfriend would be charged with an indictable offense if it was proven that she had indeed taken appellant's duty gear and destroyed it. Trooper Basista insisted that appellant told him that his girlfriend had "taken all of his duty gear, equipment, badges, Ids, ISU swipe card, all his uniforms and destroyed same via the neighborhood trash pickup." (2T 37:20-24.) Trooper Basista was asked if he knew about the TRO against Cevallos when he told him to go home to retrieve his gear. He was familiar, and that is why he told Cevallos to obtain the assistance of the Little Ferry PD to get his gear or what was left of it from his girlfriend's home.

On redirect, Trooper Basista testified that he had never accepted an OT and then told his fellow co-workers that he was not going to show up as a matter of duty and professionalism. He further stated sleeping at one's post is unprofessional and one of the most egregious things one can do. (2T 42:1-16.) Trooper Basista testified that the PN referenced as R-57 was based on appellant's "outright refusing to do what he was being ordered to do based upon his claims that Ms. [REDACTED] had told him that she had taken possession of his gear and destroyed it." (2T 44:4-9.)

Sergeant Charles Wasiewicz (Sergeant Wasiewicz) has overseen thirty-five security guards since 2010. He became a sergeant with Security Operations in 2020. He is responsible for the supervision and direction of three troopers and thirty-five security guards. SSO Hernandez is the direct supervisor of Cevallos. He is familiar with the incidents that gave rise to the FNDA in this matter. He testified that appellant's duty includes, "the safety and security of the building and its occupants, both infrastructure physical security, signing in, signing out, entrants, whether they be employees, visitors or clients." (2T 56:8–11.) Cevallos' behavior in this matter dictates the type of discipline in the PN. Once a PN is prepared, it is sent to him for review. If there are no edits, it is passed on.

In recounting the incidents in the PNs, he testified that the building manager found appellant sleeping and had difficulty rousing him. He did not draft the PN in R-55. However, he was informed of it. The protocol is when the PNs are drafted and prior to them being sent out he reviews them.

The PNDA results from the various PNs and appellant's file. Once the PNs and the file are compiled they are sent up to Labor Relations to create the PNDA. Progressive discipline, he explained, starts with less punitive discipline and then progresses. In this matter, after the third incident in 2021 there was a request for further discipline. It was noted that appellant had several prior FNDAs based on excessive absenteeism and violations of sick leave usage. (See R-15; R-16; R-18; R-23; R-25; R-27; R-29.) In February 2021, appellant was charged with major discipline wherein the proposed penalty was removal. However, it was reduced to a forty-five-day suspension. (See R-29.) According to Sergeant Wasiewicz, based on the progression scale, the next penalty would be removal. Prior to this incident, the sergeant testified that appellant has been given many second chances. (2T 70:2–25.)

On cross examination he testified that based on his experience, Labor Relations moves to terminate individuals after a forty-five-day suspension. (2T 80:11–16.) He had no conversation with the Little Ferry PD. When he receives a PNDA or FNDA from Labor Relations, he cannot edit it. His office's job is only to serve them. Sergeant Wasiewicz supervised Cevallos for twelve years. He reviewed all three incidents. Sergeant

Wasiewicz is aware of appellant's medical issues and that appellant suffers from a seizure disorder.

Lieutenant Alexandra Geoghegan (Lt. Geoghegan) testified that she has been a trooper for eighteen years. She was assigned to Labor Relations in 2021. Her duties include administration of civilians' discipline procedures and a myriad of other administrative functions. The office of Labor Relations receives request for discipline matters through a chain of command. If an employee were not performing well, the employee's supervisor would create documentation and submit the documentation in the form of a request for discipline. (2T 94:1-25.) Lt. Geoghegan reviews requests for discipline on their merits and evaluates whether the action rises to the level warranting discipline. If it does, she confers with the Office of the Attorney General on the potential disciplinary procedure and then issues a PNDA. (2T 9:6-12.)

Lt. Geoghegan is familiar with appellant as over the years she has processed several discipline requests where he was involved. Lt. Geoghegan's office prepared the PNDA dated January 14, 2022. (R-1.) According to Lt. Geoghegan, the PN incidents are grouped together after which there is a request for discipline. The PNs are not discipline; however, they determine the discipline. She gets the PNs and turns them into New Jersey Administrative Code (N.J.A.C.) charges. In R-55 all the violations listed are wrapped into existing N.J.A.C. charges. For example, he was observed sleeping on the job. That is wrapped into N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee. Similarly, R-57 and R-61 both result in N.J.A.C 4A:2-2.3(a)(2), insubordination, and N.J.A.C. 4A:2-2.3(a)(7), neglect of duty.

Lt. Geoghegan stated that a PN does not always result in a PNDA. Here, the three PNs resulted in a PNDA. (R-1.) The PNDA was served on appellant, but he refused to sign. The charges in the PNDA were substantiated. The FNDA was served on February 15, 2022. (R-2.) Removal was based on progressive discipline in this case. Progressive discipline takes into account previous discipline and progresses the level of discipline from there. Lt. Geoghegan testified that while the New Jersey State Police Rules and Regulations are listed in the PN they are not referenced in the PNDA because "we wrap

those up into what you see there, conduct unbecoming and /or insubordination.” (2T 100:6–13.)

Lt. Geoghegan’s office under the Lieutenant Colonel is the only entity that can issue discipline. (2T 104:20–21.) Once a PNDA is issued, the employee has fourteen days to appeal it. Here appellant did not appeal, and thus an FNDA was issued. The appointing authority signed off on it. Lt. Geoghegan stated that they typically issue removal for cases of progressive discipline that have exceeded the forty-five-day mark. (2T 109:15–18.)

On cross examination Lt. Geoghegan testified that she reviewed the PNs before preparing the PNDA. Since being assigned to the office of Labor Relations between 2018 and 2024, she recalled personally handling several cases that involved appellant. The PNs are seen as positive or negative. Counseling on the PN denotes a negative, and accommodation is positive. She reiterates that a PN is not disciplinary. A written reprimand is the lowest form of discipline for a security guard. She has never heard of the forty-five-day rule. Counsel points out that the forty-five-day rule “requires that the law enforcement or supervising executive initiate administrative charges within 45 days of receiving that amount of information necessary in order to charge administratively.” (2T 118:15–19.) Lt. Geoghegan reiterates that the Office of Labor Relations receives grievances from the trooper unit.

For appellant:

Christopher Cevallos (appellant, Cevallos) testified that he is thirty-nine years old. He has two years of college experience. He majored in business management, but he knew all along he wanted to be in law enforcement. He was not sure what he wanted to do in law enforcement. He applied for the security guard position and was successful in getting it. He then took the civil service exam and passed it. While in the application process for a corrections officer or a state trooper’s position, it was discovered that his driver’s license was suspended because of his medical condition of epilepsy. The process to advance further stopped there. (2T 145:1–21.) Cevallos had worked for the State Police from 2006 until his termination in 2022. In 2021 he worked the 7 a.m. to 3

p.m. shift at the Summit location in Jersey City Mondays through Fridays and worked weekends approximately every six weeks.

March 7, 2021, Incident:

On March 7, 2021, Cevallos was working overtime. It was a Sunday. When he got to work, the Motor Vehicle Agency, which is located in the building, was closed. On the weekend it is only open on Saturdays. There was not much activity. He made sure the doors were locked and checked the cameras to see that they were running. The cameras are located on monitors at the security desk in the lobby. Appellant only left the security desk to go to the bathrooms and receive delivery. On Sundays the building is completely closed and only people from the Division of Youth and Family Services and parole whose offices are located there may come in the evenings. Cevallos recalled the building manager tapping him on his shoulder and having a small conversation with him. Cevallos testified that the manager came in and he said "hi" to him and they spoke. He admitted that he may have dozed off by closing his eyes. (2T 152:11-25; 153:1-11.) He denied sleeping. He did not recall when he received the PN dated March 11, 2021. Cevallos said he did not read the PN but signed it. (See R-55.) He thought the PN was discipline. Cevallos testified that no one spoke with him about it; the PN was just given to him.

Gear Incident:

Cevallos testified that he had a toxic relationship with his girlfriend. At the time they had been living together for four years in the home he bought. On or about September 7, 2021, they got into a fight and he left the house. His girlfriend, Ms. [REDACTED] told him that she had destroyed his gear. He called his supervisor, who instructed him to file a police report. He attempted to file the police report at the Little Ferry PD and was notified that he had a TRO. He told his supervisor about the TRO. Cevallos said he knew what a TRO was because he has had a few with Ms. [REDACTED] (2T 162:1-17.) He felt his hands were tied when he was told to get his stuff. The girlfriend eventually dismissed the charges. However, in the interim, he failed to file the police report regarding his gear. He was issued a PN. (See R-57.) He was not told it was discipline.

Thanksgiving Overtime Incident:

Cevallos testified that he accepted the overtime shift for Thanksgiving 2021. However, when the schedule came out, someone else was listed to work. He texted SSO Hernandez to inquire why he was removed from the OT, and there was no response. He called SSO Hernandez and again, no response. He received no call from SSO Hernandez. He then followed up with the union because he did not know what to do. He was ready and willing to work the Thanksgiving shift. According to Cevallos, once you accept a shift, it is yours. Believing it to be a contract violation, he went to the union. He was subsequently served with a PNDA, seeking his removal for the sleeping incident in March 2021, the gear incident with his girlfriend, and the Thanksgiving OT. He did not request a hearing on the PNDA. He believed that the PNs he received for all three incidents had resolved the matters. Cevallos requested that he be returned to his security guard position and believes that the three incidents should not result in his removal.

On cross examination Cevallos testified that he took the civil service examination for law enforcement and was not sure whether he wanted to be a correctional officer, state trooper, sheriff's officer, or work at the municipal court. His first assignment was to work in Newark. He took a few classes but did not receive any hands-on training. Cevallos was also provided with his uniform, including two shirts, two pairs of pants, boots, badges, a whistle to hook from the shoulder to the shirt, an ID, and a silver badge. One of his duties as a security guard is staying alert. (2T 177:9-11.) He does not request OT, and the guards have no option; they are just assigned the OT. Cevallos admits that dozing off is not permitted in his job. (2T 179:5-7.) When asked if he had ever slept on the job before, he said he did not recall. It was brought to his attention that he did sleep on the job twice before. (See R-31 and R-32.)

He admitted that he told his supervisor that Ms. [REDACTED] had destroyed his gear. He admitted that he was told to start the process by having the Little Ferry PD assist him to retrieve the gear and he failed to obtain a police report. He admitted that he was told by Little Ferry that he would be escorted to the house to retrieve his gear. He testified that

the Little Ferry PD retrieved the gear. It was not destroyed. Cevallos insisted that he was told that it was destroyed by his girlfriend.

Cevallos said he never told the guards that he was not going to work on Thanksgiving. He insisted that he never spoke to his supervisor SSO Hernandez. It was when he saw on the schedule the shift was given away that he called. He was not familiar with the situation, so he called the union to see his options. He did not understand why he did not get the OT. He did not remember filing a grievance.

On redirect, he reiterates that he was told by his girlfriend that his gear was destroyed.

In view of the contradictory testimony presented by the parties, the resolution of the charges against appellant requires that I make credibility determinations in order to find the critical facts. A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A fact finder is free to weigh the evidence and to reject the testimony of a witness, even though not directly contradicted, when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone or in connection with other circumstances in evidence excite suspicion as to its truth. In re Perrone, 5 N.J. 514, 521-22 (1950) See D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had the opportunity to carefully observe the demeanor of SSO Hernandez and Trooper Basista, it is my view that both were credible in their testimony. SSO Hernandez testified to the sleeping incident and how he was notified. Trooper Basista corroborated the incident after speaking with the building manager. Trooper Basista then consulted his supervisor, Sergeant Wasiewicz, and was advised to issue the PN.

Moreover, appellant Cevallos admitted to dozing off and agreed that he was sleeping on the job when he signed the PN. I find both Hernandez and Basista credible as to the Thanksgiving incident. The union representative did not file a grievance against Hernandez or Basista as he appeared to find appellant's representation of the Thanksgiving incident not credible. I also found both Hernandez and Basista credible as to the gear incident. They instructed appellant on what to do, and he failed to follow their instructions. All the gear he reported as destroyed was fully recovered.

I did not find appellant credible. He testified that he was not sleeping when the building manager found him on March 7, 2021, and that he was just "dozing." I did not find him credible as to the Thanksgiving Overtime Incident or reporting about the gear destruction.

LEGAL ANALYSIS AND CONCLUSIONS

N.J.S.A. 11A:1-1 through 12-6, the "Civil Service Act," established the Civil Service Commission in the Department of Labor and Workforce Development in the Executive Branch of the New Jersey State government. N.J.S.A. 11A:2-1. The Commission establishes the general causes that constitute grounds for disciplinary action, and the kinds of disciplinary action that may be taken by appointing authorities against permanent career service employees. N.J.S.A. 11A:2-20. N.J.S.A. 11A:2-6 vests the Commission with the power, after a hearing, to render the final administrative decision on appeals concerning removal, suspension or fine, disciplinary demotion, and termination at the end of the working test period, of permanent career service employees.

N.J.A.C. 4A:2-2.2(a) provides that major discipline shall include removal, disciplinary demotion, and suspension or fine for more than five working days at any one time. An employee may be subject to discipline for reasons enumerated in N.J.A.C. 4A:2-2.3(a), including "insubordination," "conduct unbecoming a public employee," and "neglect of duty." N.J.A.C. 4A:2-2.3(a)(2), (6), and (7). In appeals concerning such major disciplinary actions, the burden of proof is on the appointing authority to establish the truth of the charges by a preponderance of the believable evidence. N.J.A.C. 4A:2-1.4; N.J.S.A. 11A:2-21; Atkinson v. Parsekian, 37 N.J. 143, 149 (1962).

Here the FNDA reflects that Cevallos was charged with conduct unbecoming a public employee, neglect of duty, and insubordination, for the following incidents:

On 3/7/21, you was observed sleeping at his desk, it took several attempts to wake you.

On 9/7/21, you reported that your State-Issued Guard equipment had been stolen/destroyed by your girlfriend. You were directed to report the incident and obtain a police report which you failed to do in a timely manner;

On 9/15/21, your supervisor instructed you to return to your girlfriend's residence along with the local police dept. and retrieve any remaining items and note which item were missing, you failed to do so;

On 9/27/21, you were ordered to notify the local police dept. that you had recovered your missing items, which you did not do;

On 11/25/21, you failed to work an overtime detail, which you accepted on 11/9/21. You also failed to notify your supervisor that you would not be working this overtime detail. A fellow co-worker advised your supervisor that you were not going to work your overtime detail.

[R-2.]

N.J.A.C. 4A:2-2.3(a)(6) does not define conduct unbecoming. However, the Appellate Division has held that conduct unbecoming a public employee is "any conduct . . . which has a tendency to destroy public respect for municipal employees and confidence in the operation of municipal services." In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). Moreover, a finding of conduct unbecoming need not be predicated upon violation of any rule or regulation. Ibid.

With respect to the sleeping incident, the respondent argues:

By sleeping while on duty, Cevallos also violated Section 6, of the New Jersey State Police Office of State Governmental Security Operational Manual ("Operational Manual")(R-8)] titled "Attention to Detail", which says:

“OSGS personnel shall at all times be completely attentive to the requirements of the post to which they are assigned. They shall remain mentally and physically alert during their tour of duty by *refraining from sleeping*. . . .” (emphasis added) (1T68:12-70:5 & 1T93:3-22).

[Respondent Brief, December 5, 2025, at 3.]

I agree. Cevallos, while stating that he was not sleeping but dozing, acknowledged that dozing also is not permitted.

Accordingly, I **CONCLUDE** that the appointing authority has met its burden in demonstrating support to sustain a charge of conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6). I thus **CONCLUDE** that this charge is **SUSTAINED** and warrants the imposition of discipline upon appellant.

With respect to the gear incident, appellant is charged with insubordination in violation of Article III, Section #1, Subsection c, of the Rules and Regulation, which states “No Member shall: Behave in an insubordinate manner toward any other member placed by competent authority in a position of supervision over such member.” The Civil Service Commission utilizes a more expansive definition of insubordination than a simple refusal to obey an order. In re Chaparro, 2011 N.J. CSC LEXIS 102, Initial Decision (Nov. 12, 2010), modified, Civ. Serv. Comm’n (March 18, 2011) (citing In re Stanziale, No. A-3492-00T5 (App. Div. Apr. 11, 2002), <http://njlaw.rutgers.edu/collections/courts/> (employee’s conduct in which he refused to provide complete and accurate information when requested by a superior constituted insubordination)); In re Lyons, No. A-2488-07T2 (App. Div. Apr. 26, 2010), <http://njlaw.rutgers.edu/collections/courts/>; In re Moreno, CSV 14037-09, Initial Decision (June 10, 2010), modified, Civ. Serv. Comm’n (Aug. 9, 2010), <http://njlaw.rutgers.edu/collections/oal/>; In re Bell, CSV 4695-09, Initial Decision (May 12, 2010), modified, Civ. Serv. Comm’n (June 24, 2010), <http://njlaw.rutgers.edu/collections/oal/>; In re Pettiford, CSV 8801-07, Initial Decision (Mar. 13, 2008), modified, Merit Sys. Bd. (June 13, 2008), <http://njlaw.rutgers.edu/collections/oal/>. (Moreno, Bell, and Pettiford all concern disrespect of a supervisor.) The Civil Service Commission also has determined that an employee is required to comply with an order of his or her superior, even if he or she

believed the orders to be improper or contrary to established rules and regulations. See Palamara v. Twp. of Irvington, No. A-5408-05T3 (App. Div. Feb. 28, 2008), <http://njlaw.rutgers.edu/collections/courts/>; compare In re Allen, CSV 11160-04, Initial Decision (May 23, 2005), remanded, Merit Sys. Bd. (July 14, 2005), CSV 09132-05, Initial Decision (Nov. 22, 2005), <http://njlaw.rutgers.edu/collections/oal/>, adopted, Merit Sys. Bd., 2006 N.J. AGEN LEXIS 105 (Jan. 26, 2006) (in which the Board determined that the employee's disobedience was justified by concerns for the safety of the clients on a bus and reversed his removal).

Insubordination is always a serious matter, especially in a paramilitary context. "Refusal to obey orders and disrespect cannot be tolerated. Such conduct adversely affects the morale and efficiency of the department." Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971). Cevallos was issued instructions regarding reporting his gear as stolen and to have the Little Ferry PD assist him in obtaining his gear, none of which he did.

Based upon the testimony provided, in addition to the **FINDINGS** set forth above, I **CONCLUDE** that appellant's conduct was in fact insubordinate. Therefore, the decision by respondent must be **SUSTAINED**.

Appellant is also charged with neglect of duty. Neglect of duty has been interpreted to mean "any conduct where an employee neglects to perform an act required by his or her job title or was negligent in its discharge." In re Middleton, 2008 N.J. AGEN LEXIS 62, *6 (Jan 17, 2008). "Neglect of duty can arise from an omission or failure to perform a duty and includes official misconduct or misdoing, as well as negligence. Generally, the term 'neglect' connotes a deviation from normal standards of conduct." In re Holder, 2021 N.J. AGEN LEXIS 217, *69 (July 2, 2021) (citing In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977)). Neglect of duty implies nonperformance of some official duty imposed upon a public employee, not merely the commission of an imprudent act. Rushin v. Bd. Of Child Welfare, 65 N.J. Super. 504, 515 (App. Div. 1961).

Under these circumstances, and by Cevallos' own admission, I **CONCLUDE** that the appointing authority has met its burden to prove by a preponderance of the competent

credible evidence that Cevallos neglected his duty by falling asleep on the job, and by refusing to follow his supervisor's order to report the incident of his gear being stolen and to obtain the assistance of the Little Ferry PD to retrieve what gear was left; therefore, this charge must be **SUSTAINED**.

PENALTY

With respect to the penalty, the Civil Service Commission may increase or decrease the penalty imposed by the appointing authority, though removal cannot be substituted for a lesser penalty. N.J.S.A. 11A:2-19. When determining the appropriate penalty, the Commission must utilize the evaluation process set forth in West New York v. Bock, 38 N.J. 500 (1962), and consider the employee's reasonably recent history of promotions, commendations, and the like, as well as formally adjudicated disciplinary actions and instances of misconduct informally adjudicated.

Under the established principles of progressive discipline, set forth in West New York v. Bock, 38 N.J. at 523, "an employee's past record . . . may be considered when determining the appropriate penalty for the current offense." In re Phillips, 117 N.J. 567, 581 (1990). Typically, the Board considers numerous factors, including the nature of the offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Developmental Ctr., 96 N.J.A.R.2d (CSV) 463.

In this matter, the nature of the offense, conduct unbecoming, neglect of duty for sleeping on the job, and insubordination for failure to follow his supervisor's instructions, warrants major discipline. By acting in an insubordinate manner, appellant's conduct sought to undermine and weaken the hallmark of a paramilitary style organization: the requirement that its members must follow lawful orders. Appellant's conduct of sleeping on the job was not minor or insignificant by any stretch of the imagination. Accordingly, it appears that appellant does not possess the maturity necessary to serve as a security guard, whose job is to stay vigilant while on duty, and is simply unfit to serve in said capacity if he is unwilling to submit to the lawful instructions of his superior officers.

When the conduct in this matter is considered along with Cevallos' past disciplinary record,¹ which included discipline related to his unwelcome sexual behavior, chronic absenteeism, failure to follow sick leave policy, and neglect of duty, I **CONCLUDE** that the decision of respondent should be **SUSTAINED** and appellant should be **REMOVED** from his position as a security guard.

ORDER

I **ORDER** that the decision of respondent is hereby **SUSTAINED** and that appellant be **REMOVED** from his position as a security guard with the Department of Law and Public Safety, Division of State Police.

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.

¹ Appellant's record reveals a pattern of serious misconduct, featuring infractions that nearly led to terminations and two prior PNs for sleeping on duty.

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.

February 9, 2026

DATE



JOAN M. BURKE, ALJ

Date Received at Agency:

February 9, 2026

Date Mailed to Parties:

February 9, 2026

JMB/am

APPENDIX

Witnesses

For appellant:

Christopher Cevallos

For respondent:

Christopher Hernandez

Christopher Basista

Charles Wasiewicz

Alexandra Geoghegan

Exhibits

Joint Exhibits:

J-1 Preliminary Notice of Disciplinary Action, January 14, 2022

J-2 Final Notice of Disciplinary Action, February 15, 2022

For appellant:

None.

For respondent:

R-1 Preliminary Notice of Disciplinary Action, January 14, 2022

R-2 Final Notice of Disciplinary Action, February 15, 2022

R-3 New Jersey State Police Special Report, September 7, 2021

R-4 Not in Evidence

R-5 Little Ferry Borough Police Department Supplementary Investigation Report

R-6 Not in Evidence

R-7 Office of State Governmental Security Rules and Regulation Handbook

R-8 New Jersey State Police Operational Manual

R-9 Not in Evidence

R-10 Not in Evidence

- R-11 Not in Evidence
- R-12 Not in Evidence
- R-13 Not in Evidence
- R-14 Not in Evidence
- R-15 Final Notice of Disciplinary Action, November 12, 2012
- R-16 Settlement Agreement, September 24, 2012
- R-17 Not in Evidence
- R-18 Settlement Agreement, August 13, 2018
- R-19 Not in Evidence
- R-20 Not in Evidence
- R-21 Settlement Agreement, June 11, 2019
- R-22 Not in Evidence
- R-23 Settlement Agreement, June 11, 2019
- R-24 Not in Evidence
- R-25 Settlement Agreement, October 23, 2019
- R-26 Not in Evidence
- R-27 Settlement Agreement, April 13, 2021
- R-28 Not in Evidence
- R-29 Settlement Agreement, April 20, 2021
- R-30 Not in Evidence
- R-31 Performance Notice, July 4, 2007
- R-32 Performance Notice, August 23, 2008
- R-33 Not in Evidence
- R-34 Not in Evidence
- R-35 Not in Evidence
- R-36 Not in Evidence
- R-37 Not in Evidence
- R-38 Not in Evidence
- R-39 Not in Evidence
- R-40 Not in Evidence
- R-41 Not in Evidence
- R-42 Not in Evidence
- R-43 Not in Evidence

R-44 Not in Evidence

R-45 Not in Evidence

R-46 Not in Evidence

R-47 Not in Evidence

R-48 Not in Evidence

R-49 Not in Evidence

R-50 Not in Evidence

R-51 Not in Evidence

R-52 Not in Evidence

R-53 Not in Evidence

R-54 Not in Evidence

R-55 Performance Notice, March 11, 2021

R-56 Not in Evidence

R-57 Performance Notice, September 28, 2021

R-58 Not in Evidence

R-59 Not in Evidence

R-60 Not in Evidence

R-61 Performance Notice

R-62 Not in Evidence