



STATE OF NEW JERSEY

In the Matter of Christopher Boller,
Ewing

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

CSC Docket No. 2026-808

Request for Reconsideration

ISSUED: March 18, 2026 (HS)

Ewing, represented by David J. Truelove, Esq., requests reconsideration of the Civil Service Commission’s (Commission) decision in *In the Matter of Christopher Boller, Ewing* (CSC, decided September 10, 2025).

The prior decision found that the petitioner, Ewing, had subjected Christopher Boller to an improper “immediate demotion” from Police Captain to Police Lieutenant. The Commission ordered that Boller, in the absence of the issuance of a Final Notice of Disciplinary Action (FNDA) upholding his demotion, was to be immediately returned to the title of Police Captain. It also ordered that he be granted differential back pay, benefits, and seniority from the first date of his demotion, November 18, 2024, until the actual date an FNDA was issued. The record reflects that the petitioner issued the FNDA on September 11, 2025. The FNDA, in pertinent part, upheld Boller’s demotion.

On reconsideration, the petitioner argues that the Commission, as an administrative agency invested with quasi-judicial powers, has the inherent authority to reconsider its judicial actions. *Borough of Park Ridge v. Salimone*, 36 *N.J. Super.* 485, 494 (1955). Interim relief decisions may be superseded by subsequent final decisions, illustrating the fluid nature of interim relief and the potential for reconsideration or modification. *In the Matter of Changes in the State Classification Plan*, 460 *N.J. Super.* 358, 362 (App. Div. 2019). It complains that the Commission, “[w]ithout citation,” stated in the prior decision that the issue was whether the appointing authority’s immediate demotion was appropriate, not the

merits of the charges. However, the “clear likelihood of success on the merits” factor specifically required Boller to demonstrate that the underlying claims or charges are likely to prevail when the case is fully adjudicated. If the final resolution of the underlying issue is in favor of the appointing authority, it negates the likelihood of success on the merits for the employee, further undermining the basis for interim relief. The petitioner adds that if the Commission chooses not to reconsider its ruling, it should render its ruling moot based on the final resolution of the underlying issues. The petitioner also relies on *In the Matter of Jesse O’Brien, Jersey City*, Docket No. A-1622-22 (App. Div. July 11, 2024), where the Appellate Division dismissed an appeal for interim relief as moot after Jersey City conducted a final hearing and issued a decision on the underlying disciplinary charges.

In response, Boller, represented by Peter B. Paris, Esq., contends that the standard for reconsideration has not been met and that he is owed back pay, benefits, and seniority from November 18, 2024 to September 11, 2025. In his view, the petitioner offers no new facts or information and describes no clear material error. Rather, it merely sets forth an unsupported argument that the interim relief ordered by the Commission is somehow “moot” because it finally issued an FNDA. If this “absurd theory” were correct, appointing authorities would be allowed to dispense entirely with Civil Service due process rules because they can always cure such violations simply by issuing an FNDA. This is a particularly “preposterous” argument in the context of a *per se* unlawful immediate demotion without a hearing. Indeed, Boller argues that the instant petition “misses the point” of the Commission’s decision and reveals a fundamental misunderstanding of the rules governing disciplinary matters in Civil Service jurisdictions.

Boller insists that the cases cited by the petitioner are inapposite. In this regard, *State Classification Plan, supra*, involved the Commission’s authority to create new job titles. There, the issue was indeed moot because the Commission had issued a final order that resolved the interim relief issue. In *O’Brien, supra*, the Commission had issued a final decision that mooted its earlier decision on interim relief, but it was the Appellate Division that found the officer’s appeal to be moot. Specifically, the officer was immediately *suspended*, which is a lawful action under the rules, unlike the immediate demotion issued in this case. O’Brien contested his immediate suspension via a petition for interim relief, and the Commission denied his request. While O’Brien appealed that decision to the Appellate Division, his departmental hearing took place, and he was terminated, effective on the date of the immediate suspension. This is routine in immediate suspension cases that are followed by termination. But, again, since there is no authority to issue an immediate demotion in the first place, Boller maintains that *O’Brien* simply does not apply here.

In reply, the petitioner continues to insist that a clear material error has occurred because the Commission failed to consider the merits of the case when it analyzed the factor of “clear likelihood of success on the merits.”

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration shall be in writing signed by the petitioner or the petitioner's representative and must show the following: (1) the new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or (2) that a clear material error has occurred. A review of the record reveals that reconsideration is not justified.

The petitioner complains that the Commission, “[w]ithout citation,” stated in the prior decision that the issue was whether the appointing authority’s immediate demotion was appropriate, not the merits of the charges. But in *In the Matter of Mario Fucci, Salem County* (CSC, decided March 23, 2022), a directly relevant case cited in the prior decision, contained similar language. The petitioner’s reliance on its eventual upholding of the demotion in an FNDA is unpersuasive. The Commission appropriately addressed an issue of *procedural* due process in the prior decision, namely that there is no Civil Service law, rule, or standard that permits an “immediate demotion,” see *N.J.S.A.* 11A:2-13; *N.J.A.C.* 4A:2-2.5(a); and *Fucci*, which warrants a remedy regardless of the eventual upholding of the demotion. Thus, the Commission’s prior decision was not “superseded” by the issuance of the FNDA. In short, the instant reconsideration request does not present either new information to change the outcome of the case or that a clear material error has occurred. Accordingly, the standard for reconsideration has not been met, and there is also no basis to hold the prior decision moot.

Finally, as the petitioner’s request for reconsideration is denied, the Commission advises that any further delay in the remittance of the already awarded differential back pay, benefits, and seniority could result in the imposition of fines, up to \$10,000 pursuant to *N.J.A.C.* 4A:10-1.1(b) and *N.J.A.C.* 4A:10-2.1(a).

ORDER

Therefore, it is ordered that this request for reconsideration be denied.

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



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