

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10th DAY OF JUNE, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 04159-22

AGENCY DKT. NO. N/A

**IN THE MATTER OF RYAN KOV,
ATLANTIC CITY DEPARTMENT OF
PUBLIC SAFETY.**

Ryan Kov, pro se, failed to appear

Steven Glickman, Esq., for respondent, Atlantic City, Department of Public Safety
(Ruderman & Roth, LLC, attorneys)

Record closed: March 26, 2026

Date decided: May 4, 2026

BEFORE **ELAINE B. FRICK**, ALJ:

STATEMENT OF THE CASE

The City of Atlantic City (the City) Department of Public Safety (ACPD) imposed the discipline of removal upon Ryan Kov (Kov) from his position of employment as a police officer for the City. Kov appealed. Kov has failed to appear for two scheduled proceedings and failed to respond to or oppose a Motion to Dismiss filed by the City. At issue is whether the case should be dismissed. Kov's failure to appear after having received notice of the scheduled proceedings demonstrates the abandonment of his

requested appeal. The case shall be dismissed at the Office of Administrative Law and the file returned to the transmitting agency.

PROCEDURAL HISTORY

The City removed Kov from his position of employment as a police officer by Final Notice of Disciplinary Action (FNDA) issued on May 6, 2022. Kov requested an appeal. The matter was transmitted to the Office of Administrative Law (OAL), where it was filed on May 24, 2022, to be heard as a contested matter. N.J.S.A. 40A:14-202(d). On June 15, 2022, Kov's then-attorney submitted written confirmation of his waiver of the "180-day rule" to the OAL.

The parties requested to bifurcate the disputed issues. A "Consent Order to Bifurcate" outlining the agreed upon bifurcated procedure was entered on August 22, 2022, pursuant to N.J.A.C. 1:1-14.6(e).

The issue that was bifurcated was whether the City had reasonable suspicion to require Kov to submit to a non-random drug test on April 23, 2021. A hearing on the bifurcated issue was conducted on November 1, 2023, via Zoom audio/video technology. After the submission of redacted and viewable evidence and written summation legal briefs, an order regarding the bifurcated issue of reasonable suspicion was entered on August 9, 2024. It was determined that the City demonstrated it met the reasonable suspicion standard in the Attorney General's law enforcement drug testing guidelines to require Kov to submit to drug testing. It was further ordered that the hearing on the remaining issues was to proceed.

Kov's attorney submitted a motion to be relieved as counsel as of May 30, 2025. He then requested to hold the motion in abeyance, anticipating that a joint stipulation of dismissal of the case would be submitted. No stipulation was submitted. Kov's attorney resubmitted a Motion to Withdraw as Counsel on October 22, 2025.

At the scheduled oral argument on the motion on December 1, 2025, Kov confirmed he had no objection to his attorney withdrawing as counsel and he would

proceed pro se. An Order Regarding Motion to Withdraw as Counsel was entered on December 4, 2025. The order confirmed that Kov's attorney was relieved as his counsel and that Kov would forthwith be appearing pro se, unless and until other counsel submitted a notice of appearance and letter of representation on his behalf. The order further confirmed that a telephonic conference was scheduled for January 22, 2026.

Kov failed to appear for the telephonic conference on January 22, 2026. He failed to provide any explanation as to his nonappearance thereafter.

A schedule was set for the filing of a Motion to Dismiss by the City. Another telephonic conference was scheduled for March 26, 2026.

The City filed its motion papers. Kov did not file a response or opposition. Kov failed to appear for the March 26, 2026, telephonic conference.

FACTUAL DISCUSSION AND FINDINGS

I FIND as FACTS the following:

Kov was employed as a police officer for the City as of 2021. On July 2, 2021, Kov tested positive for steroids. He was suspended without pay effective July 2, 2021. On January 27, 2022, Kov was issued a Preliminary Notice of Disciplinary Action, seeking to impose the discipline of removal. The City issued an FNDA to Kov on May 6, 2022, removing him from his position of employment as a police officer, effective May 4, 2022.

Kov appealed, and the case was transmitted to the OAL to be scheduled for a contested hearing. Kov voluntarily waived the "180-day rule," and the parties entered into a Consent Order to Bifurcate, outlining the procedures they intended to follow for this case. The bifurcated issue as to whether the City had reasonable suspicion to require Kov to submit to a non-random drug test was heard on November 1, 2023, via Zoom audio/video technology, as agreed upon by the parties. Kov appeared and observed the proceeding with his then counsel.

An Order Regarding Bifurcated Issue of Reasonable Suspicion was entered on August 9, 2024. The order confirmed that the City had reasonable suspicion to require Kov to submit to a non-random drug test, in accordance with the Attorney General's guidelines. The hearing for the remaining issues regarding the City's determination in the FNDA that Kov violated multiple charges warranting his removal was to be scheduled thereafter. However, Kov's attorney reported that a joint stipulation of dismissal was forthcoming.

No stipulation was submitted, and instead, Kov's attorney filed a motion to be relieved as counsel. That motion was held in abeyance again due to Kov's counsel anticipating a joint stipulation of dismissal would be submitted. No stipulation was submitted.

After a telephonic conference with counsel, a scheduling order was entered on October 21, 2025. The order set forth another schedule for Kov's attorney to file another motion seeking to be relieved as counsel. The motion was filed and oral argument was scheduled for December 1, 2025.

Kov personally appeared for the scheduled oral argument on the motion via Zoom audio/video technology on December 1, 2025. He confirmed under oath that he had no objection to his attorney withdrawing from his representation. He confirmed he would be appearing pro se going forth, unless he retained other counsel. He confirmed he would be required to appear at the next scheduled telephonic conference on January 22, 2026, unless a notice of appearance and letter of representation were submitted from another attorney on Kov's behalf. The scheduled telephonic conference and dial-in information were confirmed in an order entered on December 4, 2025, which was issued to Kov via email at the address he confirmed was his.

No letter of representation or notice of appearance was submitted on behalf of Kov by an attorney. Kov failed to appear on January 22, 2026, for the scheduled call. A schedule was set for the filing of a Motion to Dismiss by the City. The briefing schedule for the motion and notice of another scheduled telephonic conference for March 26, 2026, was issued to Kov from the OAL via email on January 23, 2026. Kov never provided an

explanation for his non-appearance at the telephonic conference scheduled for January 22, 2026.

The City submitted its Motion to Dismiss the Appeal on February 12, 2026, which was received at the OAL on February 17, 2026. The Certification of Service submitted with the motion confirmed that the motion was served upon Kov by mailing on February 12, 2026, by ordinary mail and certified mail at Kov's home address. Kov never submitted a response or any opposition to the motion filings.

Kov failed to appear for the telephonic conference scheduled for March 26, 2026. Kov has never provided an explanation as to his non-appearance. The record closed on March 26, 2026.

DISCUSSION AND LEGAL CONCLUSIONS

The New Jersey Administrative Code permits the filing of motions in administrative hearings. N.J.A.C. 1:1-12.1 et seq. A Motion to Dismiss is not specifically enumerated under the Administrative Code, but an administrative law judge (ALJ) may proceed in the absence of a specific regulation, in accordance with the New Jersey Court Rules, to achieve "just results, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay." N.J.A.C. 1:1-1.3(a).

There is an administrative regulation on point when a petitioning party fails to appear for a scheduled proceeding at the OAL. If a party fails to appear, the ALJ "shall hold the matter for one day before taking any action." N.J.A.C. 1:1-14.4(a). If the ALJ does not receive an explanation for the party's nonappearance within one day, the ALJ shall direct the Clerk of the OAL to return the file to the transmitting agency. Ibid.

Here, the City's motion to dismiss Kov's appeal is based upon Kov's non-cooperation with litigating his appeal and his failure to comply with the directives of this tribunal by failing to appear as scheduled. Kov personally confirmed under oath on December 1, 2025, that he understood he would be proceeding pro se and would be required to appear at the next scheduled telephonic proceeding if he did not have new

counsel enter an appearance on his behalf. Kov failed to appear for the scheduled telephonic proceeding on January 22, 2026. Kov failed to provide any explanation for his nonappearance at the telephonic conference.

Kov received notice of the next scheduled telephonic conference on March 26, 2026, and the schedule for the briefing for the City's anticipated motion filing. Kov was served with the City's motion papers, seeking to dismiss this appeal. Kov did not file a response or any opposition to the motion. Kov failed to appear for the scheduled telephonic conference on March 26, 2026. Kov failed to provide any explanation as to his nonappearance for the telephonic conference.

I **CONCLUDE** that Kov's failure to appear for the scheduled telephonic proceeding dates, coupled with his failure to submit a response to the City's motion to dismiss and his failure to communicate any explanation as to his nonappearances, represents an intentional abandonment of his appeal of the FNDA removing him from his employment as a police officer. I **CONCLUDE** the case shall be dismissed at the OAL. I **CONCLUDE** that the Clerk shall return the file to the transmitting agency. I thus **CONCLUDE** that the City's motion to dismiss is **GRANTED**.

ORDER

It is **ORDERED** that the Clerk shall return Kov's file to the transmitting agency due to the abandonment of his appeal by failing to appear at the OAL as scheduled. It is thus **ORDERED** that this case is dismissed.

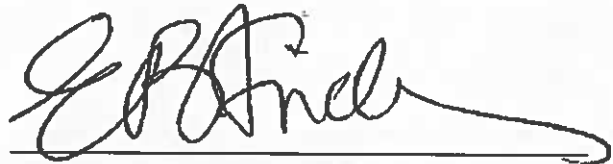
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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.

May 4, 2026

DATE



ELAINE B. FRICK, ALJ

Date Received at Agency:

May 4, 2026

Date Mailed to Parties:

May 4, 2026

EBF/dc

APPENDIX

Exhibits

For petitioner:

None

For respondent:

February 12, 2026, Notice of Motion to Dismiss Appeal submitted by the City, with Certification of Counsel and Certification of Service, received on February 17, 2026.