



STATE OF NEW JERSEY

In the Matter of Jean Lormine, New
Jersey Veterans Memorial Home-
Menlo Park, Department of Military
and Veterans Affairs

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

CSC Docket No. 2024-457
OAL Docket No. CSV 08727-23

ISSUED: August 4, 2026

The appeal of Jean Lormine, a Painter with the New Jersey Veterans Memorial Home-Menlo Park, Department of Military and Veterans Affairs (DMAVA),¹ of his removal, effective July 26, 2023, on charges, was heard by Administrative Law Judge Michael R. Stanzione (ALJ), who rendered his initial decision on June 5, 2026. Exceptions were filed by the appellant, and a reply was filed on behalf of the appointing authority.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply filed by the parties, the Civil Service Commission (Commission) at its meeting of July 22, 2026, accepted and adopted the Findings of Fact and Conclusions of Law as contained in the ALJ's initial decision and his recommendation to uphold the removal.

Regarding the charges, the Commission agrees with the ALJ's determinations, which were substantially based on his assessment of the credibility of the testimony

¹ On January 9, 2026, Public Law 2025, Chapter 139 took effect, creating the Department of Veterans Affairs, and transferring certain functions, powers and duties previously held by the Department Military and Veterans Affairs, including, but not limited to, the authority to determine whether any person seeking to be considered a veteran or a disabled veteran under *N.J.S.A. 11A:5-1* met the requirements. The remaining functions, powers and duties would stay in the newly named Department of Military Affairs.

of the witnesses. In this regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). “[T]rial courts’ credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record.” *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ’s decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri v. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ’s credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious, or unreasonable. Accordingly, the Commission finds nothing in the record to question those determinations or the findings and conclusions made therefrom.

The Commission adds the following comments regarding the appellant’s exceptions. As indicated above, the Commission thoroughly reviewed the exceptions filed in this matter. Upon that review, it finds that the exceptions do not persuade the Commission that the ALJ’s findings and conclusion or his recommendation to uphold the penalty should be reversed. The appellant contends, among other things, that his removal must be reversed on double penalty grounds. Specifically, he maintains that his removal is based on the same conduct for which his 30 working day suspension was imposed. *See In the Matter of Jean Lormine* (CSC, decided November 6, 2024). However, that is not the case, based on a review of the two relevant Final Notices of Disciplinary Action (FNDAs). In this regard, the FNDA imposing the 30 working day suspension contains the following specifications:

On or around February 7, 2023, as part of an investigation, you were instructed to submit a written statement. You refused. Despite being given multiple opportunities to submit said statement, you continuously refused to cooperate with the investigation.

On or around March 10, 2023, as part of a possible workplace violence investigation, you were instructed to submit a witness statement. You refused. Despite being given multiple opportunities to submit said statement, you continuously refused to cooperate with the investigation.

You were previously disciplined for failure to cooperate with a departmental investigation. Your actions are counter to the mission of DMAVA and will not be tolerated.

The FNDA imposing the removal contains the following specifications:

On or around February 4-5, 2023, you were assigned a project and informed that you could take as much overtime as needed to complete the project. On February 4-5, 2023, you clocked in for 32 hours of overtime. During the 32 hours of overtime, you spent less than 14 hours working on the project. The remainder of the time, you were seen loafing, using your personal cell phone, and sitting in break areas. You failed to adequately complete the project. Your actions also constitute time theft.

On or around May 5, 2023, your supervisor informed that Management needed to account for your overtime. Thus, your supervisor instructed you to provide a status update on a project. You refused. Despite being given multiple opportunities to submit the information/statement, you continuously refused. You were previously disciplined for insubordination, neglect of duty, and violating the cell phone policy. Your actions are counter to the mission of DMAVA and will not be tolerated.

In other words, the conduct charged is distinct as between the two FNDAs, and there is thus no double penalty concern. While it is true that the February 7, 2023 refusal to submit a written statement occurred after the February 4-5, 2023 overtime, the FNDA imposing removal also includes a *May* 2023 refusal to provide information. Thus, the 30 working day suspension was appropriately considered for purposes of applying progressive discipline.

Regarding the penalty, similar to its review of the underlying charges, the Commission's review of the penalty is *de novo*. 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). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some

disciplinary infractions are so serious that removal may be appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007). In recommending that the charges be sustained and that the penalty be upheld, the ALJ noted that the appellant's disciplinary history showed previous 10 working day and 30 working day suspensions, and therefore, removal was appropriate pursuant to progressive discipline. Therefore, it is clear that the appellant's misconduct was improper and worthy of the most severe disciplinary penalty. As such, the Commission finds the penalty of removal neither disproportionate nor a shock to the conscience.

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 Jean Lormine.

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 22ND DAY OF JULY, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

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and
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 08727-23

AGENCY DKT. NO. 2024-457

**IN THE MATTER OF JEAN LORMINE,
NEW JERSEY VETERANS MEMORIAL HOME
—MENLO PARK, DEPARTMENT OF MILITARY
AND VETERANS' AFFAIRS.**

Arnold Shep Cohen, Esq., for appellant Jean Lormine (Oxfeld Cohen, P.C., attorneys)

Gina Labrecque, Deputy Attorney General, for respondent Department of Military and Veterans Affairs (Jennifer Davenport, Attorney General of New Jersey, attorney)

Record Closed: March 3, 2026

Decided: June 5, 2026

BEFORE **MICHAEL R. STANZIONE**, ALJ:

STATEMENT OF THE CASE

Appellant Jean Lormine appeals the decision of respondent, the NJ Veterans Memorial Home—Menlo Park, Department of Military and Veterans' Affairs (Menlo Park), to remove him from his position as a painter for alleged violations of N.J.A.C. 4A:2-2.3(a)(2), insubordination; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public

employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, specifically, Departmental Directive 230.05 (“DD230.05”)—A.11: leaving assigned work area; DD230.05—B.1: neglect of duty; DD230.05—C.8: falsification: intentional misstatement of material fact in connection with work, employment, attendance, record, report, investigation, or other proceeding; DD230.05—C.9: insubordination; and DD230.05—E.1: violation of a rule, regulation, policy, procedure, order, or administrative decision. Lormine denies the charges and asserts that respondent failed to meet its burden of proving them. Should Lormine be removed from his position as painter with the New Jersey Veterans Memorial Home Yes. Respondent established by a preponderance of the competent, relevant, and credible evidence that Lormine committed the offenses by failing to provide a statement of his completed work, which resulted in thirty-two unaccounted for hours of overtime.

PROCEDURAL HISTORY

On July 20, 2023, Lormine was issued a Preliminary Notice of Disciplinary Action (PNDA). J-1. After a departmental hearing in which the charges were sustained, a Final Notice of Disciplinary Action (FNDA) encompassing all the disciplinary actions was issued. The FNDA imposed a penalty of removal effective July 26, 2023. Appellant filed a timely appeal, and the matter was transmitted to the Office of Administrative Law, where it was filed on September 5, 2023, for hearing as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. Teleconferences were held on January 8, 2024, January 9, 2024, March 6, 2024, March 20, 2024, and April 1, 2024. The case was scheduled to be heard on September 11, 2024, and September 12, 2024. An adjournment of those dates was requested to wait for the initial decision on the suspension case of appellant. The case was heard on January 14, January 15, and October 29, 2025. The record remained open for the receipt of written summations by the parties. Several extensions were granted for the date the submissions were due as requested by both parties. Both summations were received by March 3, 2026, and the record closed that day. An extension for the submission of this initial decision was granted April 13, 2026.

FACTUAL DISCUSSION AND FINDINGS

The following is undisputed, and I, therefore, **FIND** the following as **FACT**:

1. Appellant was employed as a painter for the Veterans' Memorial Home—Menlo Park.
2. All charges relate to Mr. Lormine failing to fully perform an overtime assignment and not submitting a written report describing the work he performed during thirty-two hours of overtime. J-2.
3. On February 4 and 5, 2023, Lormine was tasked with a painting project at the NJ Veterans' Memorial Home at Menlo Park. J-2.
4. Lormine clocked thirty-two hours of overtime for this project. J-1; J-2; J-9.
5. As a result of the painting not being completed, Lormine was asked verbally to give a statement to account for the thirty-two hours of overtime clocked to complete the paint job. When he did not do so, Lormine's supervisor told him in writing again to indicate what work was completed during these overtime hours. J-5. Lormine did not provide any statements.
6. On July 20, 2023, Lormine was issued a PNDA charging him with insubordination under N.J.A.C. 4A:2-2.3(a)(2); conduct unbecoming a public employee under N.J.A.C. 4A:2-2.3(a)(6); neglect of duty under N.J.A.C. 4A:2-2.3(a)(7); and other sufficient cause under N.J.A.C. 4A:2-2.3(a)(12), specifically, leaving his assigned work area under DD230.05—A.11; neglect of duty under DD230.05—B.1; falsification: intentional misstatement of material fact in connection with work, employment, attendance, record, report, investigation, or other proceeding under DD230.05—C.8.; insubordination under DD230.05—C.9; and violation of rule, policy, procedure, order, or administrative decision under DD230.05—E.1. J-1.

7. Following a department-level hearing, on August 11, 2023, appellant received an amended FNDA calling for his removal, effective July 26, 2023. The charges against Mr. Lormine are N.J.A.C. 4A:2-2.3(a)(2): insubordination; N.J.A.C. 4A:2-2.3(a)(6): conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7): neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12): other sufficient cause, specifically DD230.05—A.11: leaving assigned work area; DD230.05—B.1: neglect of duty; DD230.05—C.8: falsification: intentional misstatement of material fact in connection with work, employment, attendance, record, report, investigation, or other proceeding; DD230.05—C.9: insubordination; and DD230.05—E.1: violation of a rule, regulation, policy, procedure, order, or administrative decision.

Testimony

For respondent:

Lisa Kranis is the Chief Executive Officer (CEO) of the Menlo Park Veteran's Home (Menlo Park). As CEO, Kranis' job responsibilities include the day-to-day running of the facility, which involves issues with residents, the state, and the Department of Health. Kranis noted that discipline of Department of Military and Veterans' Affairs (DMAVA) employees is not part of her job duties.

Kranis stated that in May 2023, the DMAVA's finances were due to be audited by the New Jersey Department of Treasury. The DMAVA was also set to be inspected by the Department of Health and the U.S. Department of Veterans Affairs (VA). The auditors could review all human resource records, including any overtime hours that were paid. If thirty-two hours of overtime were unaccounted for, it would cause further investigation into DMAVA records.

Scott Mueller has been employed for nine years as the Assistant Chief Executive Officer (Assistant CEO) at the Menlo Park Veterans' Home. As Assistant CEO, Mueller oversees the clinical departments of nursing, social work, dietitians, and recreation staff.

He also transitioned to oversee support services, which are housekeeping, maintenance, food services, and information technology.

In February 2023, there was a scheduled tour of Menlo Park by persons from the DMAVA headquarters office and the Department of Health Commissioner. Mueller was only notified of the tour the week prior and knew work in the Eagle Unit needed to be completed before the tour. The Eagle Unit is an L-shaped unit with resident rooms on either side. The Eagle Unit needed painting touch-ups throughout. Mueller stated it did not need a total repaint. No plastering of any kind was necessary in addition to the painting touch-ups. Mueller approved overtime to get this painting job completed prior to the scheduled tour.

Mueller tasked Peter Taburas, the head of the maintenance department, to have this painting job completed. On Monday morning, Mueller walked the Eagle Unit and found scuff marks, damage on the walls that needed painting, and did not find any freshly painted areas of the unit. He only observed a small area at the beginning of the unit that appeared to have fresh paint. He estimated only about 8–10 percent of the painting job had been completed. Taburas also toured the unit with Mueller and agreed that not much work had been completed over the weekend. Taburas and Mueller alerted the CEO that the unit was still not painted. Because there was still a tour scheduled, Mueller tasked Taburas with finding a few maintenance team members to complete the painting touch-ups.

Mueller requested that Taburas speak with Lormine to find out exactly what he did in those overtime hours in the Eagle Unit. At some point, Mueller was notified that Lormine clocked thirty-two hours of overtime over the weekend to complete this job. Shortly thereafter, Mueller instructed Taburas to get a written statement from Lormine regarding work completed during these thirty-two hours of overtime. Mueller testified that if a statement had been written by Lormine he would have received a copy, but he never received any statement from him. In any other instance of unaccounted for overtime, Mueller would have requested the employee account for the overtime hours. Mueller was not directly involved in Lormine's discipline. He was only asked to give information as to

what occurred but was not involved in the termination of Lormine. Employee Relations and Human Resources are responsible for disciplinary action.

Beonica McClanahan is currently employed at the New Jersey Office of the Attorney General within the Division of Law. During May 2023, McClanahan was employed by the DMAVA at Menlo Park as the employee relations coordinator. As employee relations coordinator, McClanahan was the liaison between the facility and the union when processing disciplines. She processed disciplines, conducted trainings, assisted with investigations, processed grievances, and represented the DMAVA at disciplinary hearings.

She stated that prior to Lormine's disciplinary action, she worked with him in his capacity as president of his union. He would represent staff members in hearings and settlement negotiations where McClanahan represented the DMAVA.

McClanahan testified that the CEO made her aware that the DMAVA would be the subject of an audit in the next few weeks. McClanahan further testified that one of the issues was the few individuals that did work long overtime hours, which would signal a red flag in an audit. To justify those overtime hours, McClanahan asked Lormine's supervisor, Taburas, to explain those hours. Taburas told McClanahan that he did not know exactly what Lormine did during those hours, so he could not explain them. McClanahan then asked Taburas to speak to Lormine about what he did. It was relayed to McClanahan that Lormine refused Taburas' request to explain the overtime hours. McClanahan requested Lormine along with a union representative come to her office to explain to him the need to justify those thirty-two hours of overtime. At this meeting, McClanahan asked Lormine to give her a statement, but Lormine was upset and said he was not going to. Lormine told McClanahan that if she wanted to know what he painted she could review the camera footage. McClanahan reviewed the camera footage to determine what Lormine did in those hours of overtime.

As a result of reviewing the camera footage, McClanahan issued Lormine a PNDA and an FNDA for not actually working during those thirty-two hours of overtime. J-1; J-2. McClanahan drafted the PNDA and FNDA and sent them to Susan Sweeney, the

employee relations coordinator at the time, for approval. Sweeney authorized McClanahan to sign the disciplinary actions.

In addition to reviewing camera footage of Lormine, McClanahan reviewed his time sheet for February 4 and 5, 2023. J-9. The timesheet indicated that Lormine clocked in on February 4, 2023, at 6:57 a.m. and clocked out at 11:30 p.m. On February 5, 2023, the timesheets indicated that Lormine clocked in at 6:59 a.m. and clocked out at 11:39 p.m.

McClanahan also drafted video footage summaries of each day to have a full detailed account of what each video showed. J-6. The video footage summaries document Lormine's whereabouts for every minute of his shift on February 4 and 5, 2023. J-6.

She said that for about the first forty minutes of his shift Lormine was seen in the lower level of the facility. The lower level is where the kitchen, the maintenance room, storage rooms, and laundry room are located. There are no residents on the lower level, and no painting would be done there. Lormine is seen coming in and out of the housekeeping office about forty minutes after clocking into his shift. J-7. Later, Lormine is still seen in the video footage on the lower level in the housekeeping area with his cart of supplies. Based on this video footage, he had completed zero work for the first hour and a half of his shift.

The video footage from February 5, 2023, first showed Lormine at the main entrance security desk speaking with the receptionist or security guard for over thirty minutes. J-7. At no point should Lormine have been at the security desk at the main entrance. Throughout this video footage, there were several violations of the employee code of conduct committed by Lormine, specifically, neglect of duty, inattentiveness, and unprofessional conduct. In another video from February 5, 2023, Lormine is seen at one of the nursing stations in the Eagle Unit and has his uniform tied around his waist. J-7. Lormine is seen painting the trim of a door in the Eagle Unit for about five minutes. J-7. He is seen on his cell phone, sitting down in a resident's chair, repeatedly looking at his cell phone. J-7. Several minutes of footage play, and he is still sitting in the resident's

chair on his phone as residents walk by him. J-7. After about eleven minutes, Lormine speaks with another DMAVA employee while talking over a resident. J-7. He is not seen painting during this time. Ibid. At the time stamp of seventeen minutes, he gets up from the chair but is still on his cell phone. J-7. Lormine now starts painting part of the wall in the Eagle Unit while continuing to talk on his cell phone for the remainder of this video. J-7. McClanahan testified that Lormine was in violation of the employee code of conduct, specifically, neglect of duty, openly talking on his cell phone, and overall unprofessional conduct. It appears that Lormine only painted one trim of a door, the half side of another door trim, and the top trim of another door in an hour. J-7. It is a policy violation to be seen loafing, using a personal cell phone, and sitting in break areas during non-break times.

McClanahan was also involved in all Lormine's previous disciplines where an FNDA was issued and drafted a record of oral warning for Lormine in 2022. Prior to McClanahan's employment with the DMAVA, Lormine had several other written warnings in his employee relations file. J-10. Lormine had a previous ten-day suspension and thirty-day suspension. J-10. McClanahan stated that she specifically was tasked with investigating, drafting the charges, and processing the discipline for those two suspensions. Specifically, the thirty-day suspension stemmed from a workplace violence investigation where Lormine refused to provide a statement to cooperate with an investigation. J-10 at DMAVA038. If someone is a named witness in an investigation, and a supervisor makes a reasonable request that they cooperate in the investigation, then they must do so. Ibid. Lormine refused to cooperate and give his witness statement. Ibid. Additionally, this suspension dealt with a previous request of his supervisor asking Lormine to explain what he did on February 4–5, 2023, and he refused. Ibid.

McClanahan clarified that the actions leading to Lormine's removal were more egregious than those that led to his thirty-day suspension. She explained that by Lormine clocking in and out he was certifying that he worked those hours. The video footage revealed that Lormine did not actually work those hours and effectively falsified his time record. McClanahan also explained that the DMAVA pays its employees out-of-state funds, which is taxpayer money.

All DMAVA employees receive the employee code of conduct when they start employment and at any time there is an update in service trainings. J-3. Specifically, the maintenance department did several in-service trainings on its conduct in 2023. Menlo Park also did an updated training regarding cell phone usage in 2022 to remind staff they cannot use their cell phones in the entire building.

McClanahan testified to the provision of the employee code of conduct that states employees are expected to refrain from conducting any personal business, should not be engaging in horseplay, or should not engage in any actions perceived as loafing around or being lazy. J-3 at DMAVA020. DMAVA employees are expected to be attentive to their job duties when on the clock. Ibid. During her investigation, McClanahan found that Lormine violated this provision of the DMAVA code of conduct. In the thirty-two hours of video footage, Lormine is seen sitting down, lounging around, talking to several other people, and not being attentive to his job duties. He is seen overlooking trim on the wall that needs to be painted.

Lormine violated a different provision of the employee code of conduct relating to telephone calls. This provision states that DMAVA employees are not permitted to receive or make personal telephone calls while on duty. J-3 at DMAVA023. Because this is a residential facility, the residents are entitled to privacy. If an employee uses their cell phone or has their earbuds in to make a call, the private information of the residents may be heard by the receiving party. The video footage showed that Lormine always had some type of earbuds in. Lormine is seen sitting down making calls on his cell phone and walking around taking calls on his cell phone, which is a violation of this policy.

The final provision that Lormine violated relates to residents' information being confidential. Paragraph 22 of the employee code of conduct states that resident information is confidential, and the employees are required to protect and preserve that confidentiality. J-3 at DMAVA021. It is important that employees make sure they are not putting the residents in a position where their medical information or personal information can be heard. Lormine being on his cell phone and/or having his earbuds in while making calls could allow residents' confidential information to be heard by the individual who he

is speaking with on the phone. Therefore, he is in violation of that provision of the code of conduct.

McClanahan reviews the DMAVA corrective and disciplinary action booklet anytime she drafts charges for discipline. The corrective and disciplinary action booklet (booklet) is used to determine offenses and penalties for those offenses. J-4. Appellant was charged with DD230.05—C.9: insubordination. J-4 at DMAVA032. According to the booklet, after an employee's third infraction of insubordination, they are to be removed. She was reluctant to remove Lormine once he received a third insubordination charge and instead issued a suspension. Once it was clear that Lormine would continue to resist his supervisor's instructions, McClanahan removed him on his fifth insubordination charge. She had never received a statement from Lormine regarding the overtime hours.

Peter Taburas has been employed as an Assistant Engineer at the DMAVA at Menlo Park for about six years. As Assistant Engineer, Taburas' primary duty is to ensure that the needs of the veterans who reside at the facility are attended to. His secondary job duties are the facility's maintenance. As part of his job duties, he assigns work orders to his staff. Taburas supervised Lormine for about four years.

In February 2023, he was told there would be a tour of the facility by representatives from the State of New Jersey. Taburas was made aware of this tour the week prior to it occurring. As a result of the tour, there was a request made by Mueller to touch up the paint of one of the wings of the facility. Taburas assigned Lormine the paint job and walked the unit with him to show him the areas of concern. The painting job was not to paint the entire unit; it was only touch-ups to the wing. No plastering was required. A work order was printed and placed in Lormine's mailbox for this painting job. Additionally, Taburas did advise Lormine that the paint job could be completed during overtime hours but needed to be completed by the following Monday. There were no guidelines given to Lormine with regards to the overtime hours allowed to accomplish this task. Lormine told Taburas that he would be able to accomplish the task over the weekend.

Lormine could have refused the job to work overtime. Mandatory overtime is not required for a painter. At no point during the weekend did Lormine request additional help with the job.

On Monday, when Taburas returned to work he was called to the Eagle Unit by Mueller to find the unit was generally in the same state it was the week prior. Taburas walked the unit and saw very limited progress on the job that Lormine was tasked to do. Lormine was called to the Eagle Unit to tell Mueller and Taburas what he attempted to paint. He proceeded to point out some areas he painted but there were visible scuff marks in these locations. Lormine stated he painted some of the alcoves where there were stationary towel racks, but when these racks were moved there were still cobwebs behind them, which suggests no painting was attempted.

Several times Taburas verbally requested a statement from Lormine to account for his overtime hours for this painting job and he refused to provide one. Finally, Taburas was instructed by Mueller to request in writing a statement from Lormine. J-5. Lormine never submitted a statement to him or to anyone regarding those thirty-two hours of overtime.

Taburas testified that he was responsible for making recommendations for disciplinary action. He was not made aware that Lormine was being terminated.

Taburas confirmed that at no time in the facility are employees permitted to wear earphones or earbuds.

For appellant:

Jean Lormine has been employed at the DMAVA at Menlo Park as a painter since 2004. He usually did complete overtime jobs by himself. In February 2023, Taburas asked him for a favor to get the Eagle Unit together because they had officials coming to the facility. Lormine was not tasked with painting the entire Eagle Unit. Additionally, Taburas did not force Lormine to do this overtime painting job.

On Saturday when he came in, he painted the door frames. He said if he were to paint the entire unit it would take two to three weeks. He had to plaster, put primer on, and then paint. When asked about his cell phone use in the facility, Lormine admitted that he usually has YouTube or his music on while he works.

Taburas notified him that the following Monday he and Mueller walked the unit. The whole department was then directed to finish the painting job for the tour.

At the time Lormine was the union president and was always fighting for the safety of the facility and its residents. The DMAVA used this overtime against him to get him fired. When Lormine was called into the supervisor's office he requested his union representative. He claims he did write a statement to Taburas accounting for the work he completed in those thirty-two hours of overtime and that he filed a grievance along with that statement.

Additional Findings

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of respondent's witnesses during their testimony concerning their understanding of respondent's relevant policies and procedures. They testified clearly and convincingly about their observations of appellant and his behavior. They also testified professionally and without equivocation concerning the policies and procedures for obtaining statements from employees and their observations of Lormine's conduct during his overtime hours. I find their testimony to be credible.

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of appellant during his testimony and throughout the proceeding. Appellant comported himself in a manner that suggested he was less credible. He did not offer documentary or other evidence to support an assertion that he had submitted the requested statement. He also did not convincingly explain his actions that were shown on video. Given the absence of evidence supporting appellant's assertions, I cannot afford his testimony equal weight to that of respondent's witnesses.

Having considered the testimony and documentary evidence and the credibility of the witnesses, I **FIND** the following as **FACT**:

1. Appellant failed to provide a written statement to account for the work done during his thirty-two hours of overtime.
2. Appellant failed to complete the work that he was granted the overtime for.

LEGAL ANALYSIS AND CONCLUSIONS

The Civil Service Act, N.J.S.A. 11A:1-1 to -12-6 (Act), and its implementing regulations, N.J.A.C. 4A:1-1.1 to -10-3.2, are designed in part “to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance.” N.J.S.A. 11A:1-2(c). An employee may be subject to discipline for several reasons, including conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6), and other sufficient cause, N.J.A.C. 4A:2-2.3(a)(12). Major discipline for such infractions may include removal, disciplinary demotion, or suspension for more than five working days at any time. N.J.A.C. 4A:2-2.2(a).

The Act protects classified employees from arbitrary dismissal and other onerous sanctions. See, In re Shavers-Johnson, 2014 N.J. AGEN LEXIS 439 Initial Decision (July 30, 2014), adopted, Comm’n., 2014 N.J. AGEN LEXIS 1049 (September 3, 2014); Investigators Ass’n v. Hudson Cnty. Bd. of Freeholders, 130 N.J. Super. 30, 41 (App. Div. 1974); Scancarella v. Dep’t of Civil Serv., 24 N.J. Super. 65, 70 (App. Div. 1952). To determine if a penalty is reasonable, the employee’s record may be reviewed to determine the appropriate penalty for the current specific offense. “The evidence presented and the credibility of the witnesses will assist in resolving whether the charges and discipline imposed should be sustained; or whether there are mitigating circumstances, which . . . must be taken into consideration when determining whether there is just cause for the penalty imposed.” Shavers-Johnson, 2014 N.J. AGEN LEXIS 439 at *44. Major discipline may include suspension or removal, depending upon the incident complained of and the

employee's record. See, West New York v. Bock, 38 N.J. 500, 519 (1962) (describing progressive discipline).

The issue to be addressed here is whether a preponderance of the credible evidence establishes that appellant has committed the violations enumerated in the FNDA, and, if so, whether these violations warrant a removal or another penalty, if any.

Appellant is charged with violating N.J.A.C. 4A:2-2.3(a)(2): insubordination; N.J.A.C. 4A:2-2.3(a)(6): conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7): neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12): other sufficient cause, specifically, DD230.05—A.11: leaving assigned work area; DD230.05—B.1: neglect of duty; DD230.05—C.8: falsification: intentional misstatement of material fact in connection with work, employment, attendance, record, report, investigation, or other proceeding; DD230.05—C.9: insubordination; and DD230.05—E.1: violation of a rule, regulation, policy, procedure, order, or administrative decision.

Insubordination

The regulation, which includes “insubordination” as an offense subject to discipline, does not define the term. N.J.A.C. 4A:2-2.3(a)(2). Insubordination is defined in Black's Law Dictionary (12th Ed. 2024) as a “willful disregard of an employer's instructions” or an “act of disobedience to the proper authority.” Merriam-Webster's Collegiate Dictionary (2019) defines insubordination as “a defiance of authority.” Such dictionary definitions have been used by courts to define the term where it is not specifically defined in contract or regulation.

The above definitions incorporate acts of non-compliance, non-cooperation, and affirmative acts of disobedience. Thus, insubordination can occur even where no specific order or direction has been given to the allegedly insubordinate person. Insubordination is always a serious matter. “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).

Appellant was tasked with a painting job in the Eagle Unit. He was advised he could use overtime hours to complete it and was not given a specific amount of overtime hours in which to complete the paint job. He confirmed to his supervisor the job would be completed prior to the scheduled facility tour.

When his supervisors walked the Eagle Unit, they found very little progress was completed in the thirty-two hours of overtime Lormine clocked to complete the job.

When directed to account for the work that was completed in the overtime hours, Lormine refused to provide his supervisor or employee relations with either a verbal or written statement. J-5. Appellant never submitted any statements.

The failure to comply with the direction of providing a written statement to his supervisors constitutes insubordination. Therefore, I **CONCLUDE** that respondent has proved by a preponderance of the credible evidence that appellant violated N.J.A.C. 4A:2-2.3(a)(2), insubordination.

Conduct Unbecoming a Public Employee

There is no precise definition for “conduct unbecoming a public employee,” and the question of whether conduct is unbecoming is made on a case-by-case basis. In re King, CSV 02768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), <https://njlaw.rutgers.edu/OAL/index.php>. “Conduct unbecoming a public employee” is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or tends to destroy public respect in the delivery of governmental services. Karins v. Atl. City, 152 N.J. 532, 554 (1998); see also, In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily “be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” Hartmann v. Police

Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)). Unbecoming conduct may include improper behavior under the circumstances; it may be less serious than a violation of the law, but it is inappropriate on the part of a public employee because it disrupts governmental operations.

Appellant reported to work. Lormine was tasked with a painting job in a unit of Menlo Park, the Eagle Unit. He was advised he could use overtime hours to complete it and was not given a specific amount of overtime hours in which to complete the paint job. He affirmed to his supervisor he could get the job completed prior to the scheduled facility tour the following week. Throughout the weekend, Lormine never requested help to complete the task. He clocked thirty-two hours of overtime when in fact he did minimal work on the painting touch-ups. His action of falsifying his time constitutes conduct unbecoming a public employee

I **CONCLUDE** that respondent has met its burden of proving that appellant's actions of accepting the assignment and subsequently putting in very minimal effort were conduct unbecoming a public employee, violating N.J.A.C. 4A:2-2.3(a)(6).

Neglect of Duty

"Neglect of duty" has been interpreted to mean that an employee "neglected to perform an act required by his or her job title or was negligent in its discharge." In re Glenn, 2009 N.J. AGEN LEXIS 112 (February 5, 2009) (citation omitted), adopted, Civil Service Commission (March 27, 2009), <http://njlaw.rutgers.edu/collections/oal/>. Neglect of duty can arise from omitting to perform a required duty as well as from misconduct or misdoing. State v. Dunphy, 19 N.J. 531, 534 (1955). Neglect of duty does not require an intentional or willful act; however, there must be some evidence that the employee somehow breached a duty owed to the performance of the job.

Appellant neglected to perform certain required duties during his overtime shift on February 4th and 5th 2023,—he neglected to accurately log the amount of overtime he

spent painting; and failed to satisfactorily complete the assigned task of painting the Eagle unit.

I **CONCLUDE** that respondent has met its burden of proving that appellant's actions of failing to complete the painting he agreed to do and inaccurately reflecting his time working, violate N.J.A.C. 4A:2-2.3(a)(12).

Other Sufficient Cause

There is no definition in the New Jersey Administrative Code for other sufficient cause; it is generally defined as all other offenses caused and derived from all other charges against the appellant. There have been cases when the charge of other sufficient cause has been dismissed when "[r]espondent has not given any substance to the allegation." Simmons v. City of Newark, 2006 N.J. AGEN LEXIS 68, *113, Initial Decision (February 22, 2006), adopted, Merit Sys. Bd. 2006 N.J. AGEN LEXIS 565 (April 5, 2006).

Appellant is charged with violating DD230.05—A.11: leaving assigned work area; DD230.05—B.1, neglect of duty; DD230.05—C.8: falsification: intentional misstatement of material fact in connection with work, employment, attendance, record, report, investigation, or other proceeding; DD230.05—C.9: insubordination; and DD230.05—E.1: violation of a rule, regulation, policy, procedure, order, or administrative decision. Observed from the video footage of Lormine, were instances of unauthorized cell phone use, loafing, inattentiveness, as well as neglect of duty. All of these constitute other sufficient cause.

I thus **CONCLUDE** that appellant violated Departmental Directive 230.05 and Penalties A.11, B.1, C.8, C.9 and E.1, specifically respondent's ignored directives on cell phone use, leaving the assigned work area, falsification of his time sheets, and a refusal to listen to the instructions of his supervisors and therefore violated N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.

PENALTY

When addressing the question of penalty in a de novo review of a disciplinary action against an employee, it is necessary to reevaluate the proofs and “penalty” on appeal based on the charges. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980); Bock, 38 N.J. 500. Several factors must be considered in determining the appropriateness of a penalty, including the nature of the employee’s offense, the concept of progressive discipline, and the employee’s prior record. George v. N. Princeton Dev. Ctr., 96 N.J.A.R.2d (CSV) 463. According to Bock, progressive discipline concepts involving increasingly severe penalties are used where appropriate. See In re Parlow, 192 N.J. Super. 247 (App. Div. 1983). Major discipline may include suspension, removal, or demotion depending upon the incident complained of and the employee’s record. Bock, 38 N.J. at 522–24.

Appellant has a disciplinary history. There was prior action of disciplinary history that resulted in a major discipline of thirty days. Respondent cannot have an employee neglect their duties.

Here, appellant is subject to major discipline for the violations of N.J.A.C. 4A:2-2.3(a)(2): insubordination; N.J.A.C. 4A:2-2.3(a)(6): conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7): neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12): other sufficient cause, specifically, DD230.05—A.11 leaving assigned work area; DD230.05—B.1 neglect of duty; DD230.05—C.8: falsification: intentional misstatement of material fact in connection with work, employment, attendance, record, report, investigation, or other proceeding; DD230.05—C.9: insubordination; and DD230.05—E.1: violation of a rule, regulation, policy, procedure, order, or administrative decision. Major discipline for such infractions may include removal, disciplinary demotion, suspension, or fine for more than five working days at any time. N.J.A.C. 4A:2-2.2(a). Respondent removed the appellant due to these charges.

Based upon the totality of the evidence and with due consideration of appellant’s prior disciplinary record, I **CONCLUDE** that the penalty of removal is reasonable, appropriate, and consistent with the policy of progressive discipline.

ORDER

I hereby **ORDER** that the appeal of appellant Jean Lormine of charges of (1) 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); neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); and other sufficient cause specifically, Departmental Directive 230.05 (“DD230.05”)—A.11: leaving assigned work area; DD230.05—B.1: neglect of duty; DD230.05—C.8: falsification in violation of N.J.A.C. 4A:2-2.3(a)(12), is **DENIED**, and the decision of respondent, the Menlo Park Veterans Memorial Home, to remove appellant from his employment for violating those charges is **AFFIRMED**.

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 the other parties.

June 5, 2026

DATE



MICHAEL R. STANZIONE, ALJ

Date Received at Agency:

Date Mailed to Parties:

APPENDIX

Witnesses

For appellant:

Jean Lormine

For respondent:

Lisa Kranis

Scott Mueller

Beonica McClanahan

Exhibits

Joint

- | | |
|------|---|
| J-1 | Amended Preliminary Notice of Discipline, dated July 20, 2023 |
| J-2 | Final Notice of Major Disciplinary Action, dated August 11, 2023 |
| J-3 | Employee Code of Conduct |
| J-4 | DMAVA Corrective and Disciplinary Action Booklet |
| J-5 | Memo from Supervisor, dated May 3, 2023 |
| J-6 | Summary of Video Observation |
| J-7 | Video Footage of Appellant on February 4, 2023, and February 5, 2023 |
| J-8 | Certification of Jose Rodriguez, Supervisor of Information Technology |
| J-9 | Chronos Time Keeping Software Record |
| J-10 | Record of Violations |
| J-11 | Civil Service Commission Job Title Painter |

For appellant:

A-27 Text Messages

For respondent:

None