



STATE OF NEW JERSEY

In the Matter of Richie Lopez,
South Woods State Prison,
Department of Corrections

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

CSC Docket No. 2025-380

Administrative Appeal

ISSUED: July 22, 2026 (AMRG)

Richie Lopez, a Senior Correctional Police Officer with South Woods State Prison, requests to reinstate the appeal of his removal, effective July 25, 2024, which was dismissed on the basis of his failure to appear at the February 3, 2025 prehearing telephone conference at the Office of Administrative Law (OAL).

By way of background, Lopez timely appealed his removal to this agency which transmitted the matter to OAL as a contested case. The OAL scheduled the matter for a prehearing telephone conference on February 3, 2025, and sent a notice, dated January 6, 2025, to this effect to Lopez and the Deputy Attorney General. On the scheduled date, Lopez failed to appear. The OAL issued a Failure to Appear notice which indicated that Lopez failed to appear at the scheduled proceedings.¹ On February 14, 2025, the matter was returned to the Civil Service Commission (Commission) for a final decision, with a notice giving the parties 13 days to present any excuse to this agency for failure to appear at the OAL proceedings.

In his request for reinstatement of his appeal, dated February 19, 2025, Lopez presented that he did not receive the January 6, 2025 notification of the February 3, 2025 prehearing telephone conference.

By letter dated March 10, 2025, the Commission provided the parties with the opportunity to supplement the record within 10 calendar days. Subsequently, via email sent on September 3, 2025, Lopez was provided with the opportunity to submit a sworn

¹ A review of the available record finds that prior to the February 3, 2025 conference, Lopez was previously scheduled for prehearing conferences on December 16, 2024 and January 2, 2025 at which he also failed to appear.

notarized statement attesting to the claim that he did not receive the notice to participate in the February 3, 2025 telephone conference. On September 18, 2025, Lopez responded via email stating, "I never received a notice for a hearing for February 3, 2025." On September 19, 2025, Lopez was sent an email providing him with another opportunity to submit a sworn notarized statement to substantiate his claim. However, no response was received by the Commission.

In response, the appointing authority indicated that Lopez has repeatedly failed to appear at court ordered OAL status meetings and has repeatedly failed to respond to correspondence. In this regard, the appointing authority noted that the February 3, 2025 conference was the third successive status conference at which Lopez failed to appear. Additionally, it noted that the basis for Lopez's termination was due to his failure to return from an approved leave of absence and being completely noncommunicative for a protracted period.

CONCLUSION

In this matter, Lopez has not sustained his burden of proof. The Commission acknowledges the presumption that mail correctly addressed, stamped and mailed is generally received by the party to whom it was addressed. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 N.J. 614 (1996); *Szczesny v. Vasquez*, 71 N.J. Super. 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). It also recognizes that on occasion, such mail never reaches its intended destination. Generally, the Commission is willing to accept that if an individual is prepared to make a statement under oath, understanding all its implications and consequences, then it is proper to permit the presumption of receipt to be overcome. In actuality, there is no other alternative for an applicant. It is not possible to prove a negative, *i.e.*, that mail was not received. If the Commission did not accept a sworn statement averring that mail was not received, there would be no remedy at all for individuals who find themselves in this particular situation. *See In the Matter of Neil Nelson* (MSB, decided January 26, 2005).

Despite numerous opportunities, Lopez did not provide a sworn statement to substantiate his claim. Thus, per the above standard, Lopez has not sufficiently refuted the presumption of mailing. Accordingly, given that Lopez has not presented the Commission with any substantive evidence to excuse his absence, his appeal is dismissed based on his failure to appear at the February 3, 2025 prehearing telephone conference.

ORDER

Therefore, it is ordered that Richie Lopez's request to reinstate his appeal be denied and his appeal be dismissed.

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



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