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STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
POLICE AND FIREMENS' RETIREMENT SYSTEM
OF NEW JERSEY
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ELIZABETH MAHER MUOIO
State Treasurer

Ed Donnelly
Chairman, PFRSNJ

April 15, 2019

PATTI & PATTI, LLC
Jeffrey M. Patti, Esq.



RE: Jason Campbell

OAL DKT No. TYP 10391-2018

Dear Mr. Patti:

At its meeting on April 8, 2019, the Board of Trustees (Board) of the Police and Firemen's Retirement System of New Jersey (PFRSNJ) considered the following documents on behalf of your client, Jason Campbell, requesting to change his Ordinary Disability effective date of retirement from April 1, 2017 to February 1, 2011:

- a) All exhibits;
- b) The Initial Decision of the Administrative Law Judge (ALJ) Gail Cookson, dated March 7, 2019;
- c) Exceptions filed by Deputy Attorney General (DAG) Christopher Meyer, dated March 20, 2019; and
- d) Reply to exceptions filed by you dated April 1, 2019.

The Board noted the exceptions and the reply to exceptions. After careful consideration, the PFRSNJ Board voted to adopt ALJ Cookson's findings of fact. The Board adopted in part and modified the ALJ's legal conclusion and found Mr. Campbell's effective date to be April 1, 2017.

The PFRSNJ Board finds the ALJ correctly rejected the argument that Mr. Campbell's effective date for his ordinary disability retirement application should be February 1, 2011. However the Board also finds that the ALJ incorrectly recommended an effective retirement date of August 1, 2016, a date based on Mr. Campbell's sentencing for his guilty plea to fourth degree child neglect that resolved all pending criminal charges. Rather, the Board found Mr. Campbell's effective retirement date to be April 1, 2017, a date based on Mr. Campbell's termination from Morris County pursuant to the March 20, 2017 Final Notice of Disciplinary Action (FNDA).

The PFRSNJ Board noted that the ALJ rejected April 1, 2017 as the effective date of retirement because it might "require [Morris County] to issue [Campbell] six weeks of back pay for the gap between sentencing and issuance of the second FNDA with its August 15, 2016 suspension date." The Board rejects this reasoning because Mr. Campbell's employment with Morris County continued for approximately eight months after August 1, 2016, until he was terminated, effective March 21, 2017. Mr. Campbell cannot be both employed and retired from the same position at the same time. Further, during that eight month timeframe, Mr. Campbell exercised his employment rights by requesting a hearing to resolve the disciplinary charges under the 2016 FNDA. The Board has no authority to change Mr. Campbell's termination date retroactively and any issue regarding back-pay is between Mr. Campbell and Morris County.

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For the same reason, Mr. Campbell's March 9, 2017 request for a June 30, 2016 retirement date (more than eight months before his termination), does not change his effective date of retirement.

Therefore, the Board adopted the ALJ's findings of act and modified the legal conclusions. The Board finds that Mr. Campbell's effective date of retirement to be April 1, 2017.

Pursuant to the New Jersey Court Rules, you have a period of 45 days from the date of this notice to file an appeal with the Appellate Court from this final administrative determination of the PFRSNJ Board of Trustees.

Sincerely,



Jacquelyn Bussanich
Interim Board Secretary
Police and Firemen's Retirement System of New Jersey

G-4/jb

c: Jason Campbell
DAG Christopher Meyer (ET)
A. Ginsburg; D. Lewis; V. McManus; D. Dinkler; P. Sarti; M. Munko (ET)
OAL, Attn: Library (ET)