



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Gregory Moody,
Department of Children and Families

CSC Docket No. 2016-3199

Request for Rule Relaxation

ISSUED: OCT 21 2016 (DASV)

Gregory Moody, a former Administrative Analyst 2 with the Department of Children and Families, requests that the provisions of *N.J.A.C.* 4A:6-3.4(a), which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed.

By way of background, the petitioner retired from State service, effective March 1, 2014, and did not complete a SCOR application at that time. In a letter, dated February 24, 2016, the appointing authority advised Moody that his request for SCOR was denied since his application was received on January 28, 2016, over the one-year time period.

In his request, the petitioner submits a sworn affidavit, indicating that he did not receive a May 1, 2014 letter from the appointing authority advising him of the process to file for SCOR within one year of his retirement. He states that he became aware of this requirement only when he contacted the Department of the Treasury on another matter. Further, the petitioner contends that had he received this letter he would have complied with the instructions.

In response, the appointing authority maintains that it mailed the May 1, 2014 letter to the petitioner at his address of record, and it was not returned as undeliverable. Nonetheless, it states that it will process the petitioner's SCOR application given that he submits a sworn affidavit that he did not receive the letter.

It is noted that that the petitioner seeks a SCOR payment of \$9,083.02 for his balance of 54.75 days of personal sick leave as of the date of retirement. It is further noted that the Division of Agency Services does not take a position on the petitioner's request.

CONCLUSION

N.J.A.C. 4A:6-3.3(a) provides that, upon retirement, an employee is entitled to SCOR to be "computed at the rate of one-half the employee's daily rate of pay for each day of earned and unused accumulated sick leave at the effective date of retirement." *N.J.A.C.* 4A:6-3.4(a) provides that an employee may file an application for SCOR within one year of the effective date of retirement. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause.

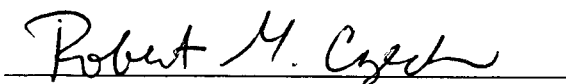
In the instant matter, the petitioner retired from State service effective March 1, 2014, but a SCOR application was not filed until more than one year later. He submits a sworn affidavit that he did not receive the letter from the appointing authority which advised him on how to file for SCOR. Moreover, the appointing authority does not object to the petitioner's request. Given the foregoing, good cause has been presented to relax the one-year requirement to file a SCOR application. Therefore, it is appropriate to relax the provisions of *N.J.A.C.* 4A:6-3.4(a) to permit the petitioner to apply for SCOR.

ORDER

Therefore, it is ordered that this request be granted, the provisions of *N.J.A.C.* 4A:6-3.4(a) be relaxed, and Gregory Moody's SCOR application be processed.

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 19TH DAY OF OCTOBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Gregory Moody
Linda Dobron
Kelly Glenn
Records Center
