



Thereafter, he states that the next notice that his office received was the OAL's February 12, 2016 letter indicating that they failed to appear at the February 11, 2016 hearing. He represents that all the mail in his office is meticulously reviewed daily to ensure that they do not miss dates and he maintains that he never received correspondence from the OAL. Mr. Robinson also states that the appellant called the OAL several times inquiring about her court date. He reiterates that had he received the notice, they would have been present at the hearing.

In response, the appointing authority, represented by Susan C. Sautner, Esq., indicates that her office received the OAL's correspondence dated January 19, 2016 scheduling the February 11, 2016 conference. Ms. Sautner indicates that the appellant's attorney at that time, Ronald Thompson, Esq. was copied on the correspondence. She highlights that Mr. Thompson was copied on the initial filing with OAL dated January 6, 2016 and the Failure to Appear notice dated February 12, 2016. She asserts that it is curious that Mr. Thompson received the initial filing notice and the Failure to Appear notice, but not the notice scheduling the conference.

It is noted that Mr. Thompson's office informed the Commission on February 23, 2016 that ~~his office was never retained in this matter nor has there been any agreement to represent the appellant.~~ Therefore, he requested that his name be removed as the attorney of record.

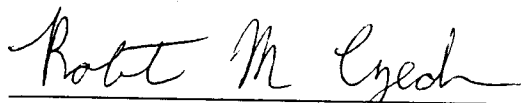
### CONCLUSION

With regard to the instant matter, the record indicates that the law firm that the appellant initially listed as her counsel, Mr. Thompson, and the appointing authority were notified of the conference scheduled on February 11, 2016. Further, the appellant's actual counsel, Mr. Robinson, indicates that he did receive the notice regarding the initial filing and the Failure to Appear notice. However, Mr. Robinson states that he did not receive notice of the prehearing conference. Additionally, the appellant does not bear any individual responsibility for her counsel's failure to participate in the scheduled conferences on February 11, 2016. *N.J.A.C. 1:1-3.3(b)* provides that any explanation for failure to appear must be in writing and received by the transmitting agency head within 13 days of the date of the Clerk's notice returning the case, and a timely explanation was submitted in this regard. Therefore, the record as a whole indicates that the appellant intended to pursue her statutory right to challenge her removal, and she did not intend to abandon her appeal. Accordingly, the Commission finds that under all of the circumstances in this matter, to deny the appellant a hearing on the merits of her disciplinary action would be unjust.

**ORDER**

Therefore, it is ordered that Catina Wainwright's request to reinstate her appeal be granted and this matter be transmitted to the OAL for further proceedings.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 19<sup>th</sup> DAY OF OCTOBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Catina Wainwright  
Richard D. Robinson, Esq.  
Susan C. Sautner, Esq.  
Maryann Brown  
Elizabeth A. Davies, DAG  
Beth Wood