



STATE OF NEW JERSEY

In the Matter of Gabriel Pabon
Trenton Public Library

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

CSC DKT. NO. 2014-2775
OAL DKT. NO. CSV 06345-14

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ISSUED: AUGUST 13, 2014

The appeal of Gabriel Pabon, Page, Trenton Public Library, release at the end of the working test period effective February 20, 2014, on charges, was heard by Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on July 10, 2014. No exceptions were filed.

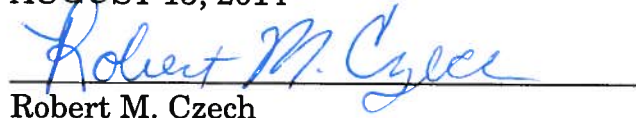
Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on August 13, 2014, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission dismisses the above appeal without prejudice based on appellant's lack of prosecution.

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
AUGUST 13, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
44 S. Clinton Ave.
P. O. Box 312
Trenton, New Jersey 08625-0312



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. CSV 06345-14

AGENCY DKT. NO. 2014-2775

**IN THE MATTER OF GABRIEL PABON,
TRENTON PUBLIC LIBRARY.**

No appearance for Gabriel Pabon, appellant

Stephen E. Trimboli, Esq. for respondent (Trimboli & Prusinowski, LLC)

Record Closed: July 9, 2014

Decided: July 10, 2014

BEFORE LAURA SANDERS, Acting Director and Chief ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Gabriel Pabon (petitioner or Pabon) appealed the release from his position as a library page with the respondent Trenton Public Library at the end of his working test period effective February 20, 2014. By letter dated March 9, 2014, petitioner requested a hearing to contest the determination and on May 23, 2014 the matter was transmitted to the Office of Administrative Law (OAL) for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

On May 27, 2014, I was assigned this matter. I asked my secretary to schedule a telephone conference call to discuss the issues and schedule a hearing. Since there was no valid telephone number in the file, on June 4, 2014 I sent a letter to petitioner asking that he provide me with a telephone number so that the appeal process could begin. On June 12 that letter was returned as, "RETURN TO SENDER. NOT DELIVERABLE AS ADDRESSED. UNABLE TO FORWARD." The letter was send to the address in the file, 1491 Parkside Avenue, Ewing, NJ 08638. On June 12, 2014, the OAL contacted the transmitting agency, here the Civil Service Commission, to inquire whether petitioner had provided a different address. The Civil Service Commission responded that they had another address on file, 740 Greenwood Avenue, Trenton, NJ 08609. The original letter of June 4 was then mailed to the Greenwood Avenue address.

On June 26, 2014, after not receiving a response from petitioner, I sent another letter to the Greenwood Avenue address, since that had not been returned via the Post Office. In that letter I asked petitioner to respond by July 9, with a telephone number where he can be reached, or that I would deem him to have determined that he does not wish to pursue his request for a fair hearing.

After receiving no response from petitioner by 5:00 p.m. on July 9, I closed the record.

LEGAL CONCLUSION AND ORDER

Given that Pabon was given every opportunity to proceed, and repeatedly failed to take the required steps, I **CONCLUDE** that this matter should be dismissed for failure to pursue.

It is **ORDERED** that the appeal of Gabriel Pabon is **DISMISSED**.

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 to the other parties.

7/10/14

DATE

Laura Sanders

LAURA SANDERS
Acting Director and Chief
Administrative Law Judge

Date Received at Agency:

July 10, 2014

Date Mailed to Parties:

July 14, 2014

/caa