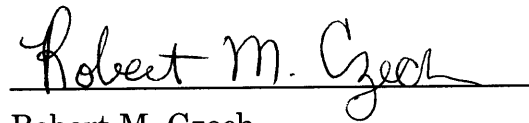




Re: Salim Keitt

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  
JUNE 17, 2015

A handwritten signature in cursive script that reads "Robert M. Czech". The signature is written in black ink and is positioned above a horizontal line.

Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**DISMISSAL**

OAL DKT. NO. CSV 13331-14

AGENCY DKT. NO. 2015-951

**IN THE MATTER OF  
SALIM KEITT, DEPARTMENT OF  
HUMAN SERVICES, ANCORA  
PSYCHIATRIC HOSPITAL.**

---

**Salim Keitt**, petitioner, pro se

**Robert M. Strang**, Deputy Attorney General, for respondent (John J. Hoffman,  
Acting Attorney General of New Jersey, attorney)

Record Closed: May 14, 2015

Decided: May 26, 2015

BEFORE **JOHN S. KENNEDY**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Appellant, Salim Keitt, a repairer for the respondent, Department of Human Services, Ancora Psychiatric Hospital (Ancora), appeals the action by Ancora terminating his employment on grounds of his inability to perform duties and other sufficient cause.

Appellant was served with a Preliminary Notice of Disciplinary Action (PNDA) on August 16, 2014. Appellant was advised by a Notice of Final Disciplinary Action dated September 3, 2014, that he had been terminated effective February 17, 2014. Appellant appealed the termination to the Civil Service Commission (CSC) and the Office of Administrative Law (OAL), as required under N.J.S.A. 40A:14-202(d). The matter was heard on May 14, 2015, at which time respondent made a motion to dismiss the charges filed against appellant.

### **FINDINGS OF FACT**

As the agreement was placed on the record, I **FIND** as **FACT** the following:

The parties have agreed that appellant will resign from his position as a repairer with respondent effective February 17, 2014. Respondent agreed to accept the resignation in good standing and respondent will take no affirmative steps to hinder appellant's worker's compensation claim. As a result of appellant's resignation, respondent made a motion to dismiss the charges filed against appellant.

### **LEGAL ANALYSIS AND CONCLUSIONS**

N.J.A.C. 1:12-5, governing motions for summary decision, permits early disposition of a case before the case is heard if, based on the papers and discovery which have been filed, it can be decided "that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:12-5(b). The provisions of N.J.A.C. 1:12-5 mirror the language of R. 4:46-2 of the New Jersey Court Rules governing motions for summary judgment. To survive summary decision, the opposing party must show that "there is a genuine issue which can only be determined in an evidentiary proceeding." Ibid. Failure to do so entitles the moving party to summary decision. Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520 (1995).

Moreover, even if the non-moving party comes forward with some evidence, this forum must grant summary decision if the evidence is "so one-sided that [the moving

party] must prevail as a matter of law.” Id. at 536. This tribunal is required to do “the same type of evaluation, analysis or sifting of evidential materials as required by Rule 4:37-2(b) in light of the burden of persuasion that applies if the matter goes to trial.” Id. at 539-540. Like the New Jersey Supreme Court’s standard for summary judgment, summary decision is designed to “liberalize the standards so as to permit summary [decision] in a larger number of cases” due to the perception that we live in “a time of great increase in litigation and one in which many meritless cases are filed.” Id. at 539 (citation omitted).

As appellant did not oppose the motion, there is no genuine issue as to any material fact in this matter. Based upon the above, I **CONCLUDE** that appellant failed to properly file his appeal and that, therefore, the petition in this matter should be dismissed.

Accordingly, it is **ORDERED** that:

1. Respondents’ motion for summary decision is **GRANTED**; and
2. The charges filed against petitioner are **DISMISSED**; and
3. The petition in this matter is **DISMISSED**.

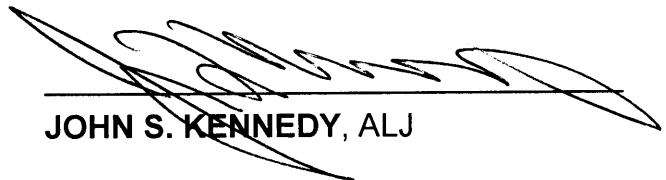
### **ORDER**

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.

May 26, 2015  
DATE

  
\_\_\_\_\_  
JOHN S. KENNEDY, ALJ

Date Received at Agency:

May 27, 2015

Date Mailed to Parties:

5-27-15

cmo