

B-36



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Administrative Appeal

In the Matter of Tiffany Mayes  
Garden State Youth  
Correctional Facility,  
Department of Corrections

CSC Docket No. 2015-1300

ISSUED: JUN 22 2015 (SLK)

Tiffany Mayes, a Communications Officer, Secured Facilities with Garden State Youth Correctional Facility, requests that the Civil Service Commission (Commission) reinstate her appeal of her 30-day suspension, which was dismissed based on her failure to appear for a prehearing conference.

By way of background, Ms. Mayes received a 30-day suspension following sustained charges of insubordination and conduct unbecoming a public employee. Ms. Mayes appealed the sanction to the Commission, which transmitted the matter to the Office of Administrative Law (OAL). The OAL scheduled the matter for a telephone prehearing conference on February 23, 2015. The record indicates that the appellant did not participate at the appointed time and based on her absence, the OAL issued a "Failure to Appear" notice which indicated that the appellant failed to appear at the scheduled proceeding. On February 27, 2015, this matter was returned to the Commission for a final decision, with a notice giving the party 13 days to present any excuse for failure to appear to this agency.

In support of Ms. Mayes' request to reinstate her appeal, she indicates, in an undated letter, that her phone was on the car charger when she went to sign her son out of school. Ms. Mayes represents that her daughter took the initial phone call after unplugging the phone and informed her that she would be getting a phone call in a few minutes. Ms. Mayes maintains that her daughter was not aware of the severity of the situation and failed to put the cell phone back on the charger. Therefore, she requests the opportunity to reschedule the phone conference.

In response, the appointing authority, represented by Kathleen Asher, Esq., states that a telephone conference was initially scheduled on January 28, 2015 and the Administrative Law Judge (ALJ) granted the appellant time to coordinate her appeal and rescheduled the conference for February 23, 2105 at 3:30 PM. The appointing authority maintains that the ALJ scheduled the February 23, 2015 prehearing conference for the appellant's benefit as she stated she was unsure if she was going to seek private counsel. The appointing authority provides that on the date in question, the OAL attempted to contact Ms. Mayes several times for a 3:40 PM conference call, but was unsuccessful. Additionally, the appointing authority states that the ALJ's chambers left a voice mail message for Ms. Mayes indicating that she had 24 hours to explain her failure to appear. However, the appellant did not provide the ALJ any reason for her failure to appear or respond to the ALJ's voice mail. The appointing authority states that it did not receive Ms. Mayes' appeal until March 23, 2015 (post marked March 17, 2015) which was well past the 13 day deadline.

### CONCLUSION

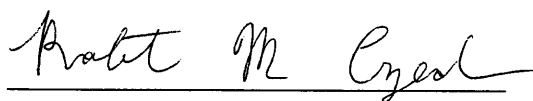
The appellant has clearly not sustained her burden of proof in this matter. While she attempts to explain why she was unable to receive the phone call to participate in the February 23, 2015 prehearing conference call, there is no evidence that she attempted to contact the ALJ after she missed the phone call or after receiving the voice mail from the ALJ's chambers advising her that she had 24 hours to explain her failure to appear. Additionally, her appeal is untimely since she failed to follow the instructions contained in the "Failure to Appear" notice. This notice requires that any excuse for failure to appear be mailed to all parties to the action within 13 days of the notice. The notice was sent to the appellant on February 27, 2015. Her letter to the Commission was not post marked until March 17, 2015, well beyond the 13 days allowed by the notice. Accordingly, since Ms. Mayes has not provided the Commission with any substantive evidence to excuse her absence, her appeal is dismissed based on her failure to appear at the February 23, 2015 prehearing conference.

### ORDER

Therefore, it is ordered that Tiffany Mayes' request to reinstate her appeal be denied and her appeal be dismissed.

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 17<sup>th</sup> DAY OF JUNE, 2015



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