



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Franklin Abazie, Department of Human Services

CSC Docket No. 2018-547

Request for Reconsideration

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ISSUED: OCT 19 2017 (WR)

Franklin Abazie requests reconsideration of the final administrative determination In the Matter of Franklin Abazie (CSC, decided July 26, 2017), which denied the petitioner's appeal of his resignation not in good standing. A copy of that decision is attached hereto and incorporated herein.

By way of background, the petitioner was bumped from his position as a Human Service Technician at Greystone Psychiatric Hospital to the lateral title of Cottage Training Technician at Hunterdon, effective January 9, 2015 as the result of a layoff. Thereafter, the petitioner resigned from State service not in good standing, effective February 18, 2015. In his December 29, 2016 appeal to the Civil Service Commission (Commission), the petitioner asserted that, in his position as a Cottage Training Technician, he was subjected to "severe hardship and extreme difficulty" and was consequently forced to resign. The Commission determined that the petitioner's appeal was untimely and denied his appeal.

In his August 14, 2017 request for reconsideration, the petitioner first argues that his appeal was timely filed because he initially appealed on January 16, 2015 and received a response from this agency on February 23, 2015. Second, he indicates that Greystone is willing to hire him, but he states that he refuses to work as a temporary employee, considering that he previously worked there for over 10 years, has seniority and a "permanent position established with" this agency.

¹ It is noted that that decision incorrectly listed the petitioner's separation from employment as a resignation in good standing.

² The petitioner does not indicate what position in which Greystone is willing to hire him. Moreover, it is noted that his name was removed from the Human Services Technician special reemployment

support of his appeal, the petitioner submits a copy of his January 16, 2015 appeal and a copy of this agency's response. It is noted that his January 16, 2015 appeal concerns his layoff rights and not his resignation not in good standing, the subject of the instant matter. Moreover, this agency indicated in its February 23, 2015 response that the matter was closed because the petitioner appeal was untimely.³

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

A review of the record reveals the petitioner has failed to present new evidence which would change the outcome of this matter and there is no indication of a clear material error in the Commission's decision. In his request for reconsideration, the petitioner relies on his appeal of an entirely different matter, *i.e.*, the determination of his layoff rights, from the instant matter to support his claim that his appeal of his resignation not in good standing was timely filed. There is no indication that the petitioner sought to appeal his resignation not in good standing in that appeal, nor could he have because he submitted that January 16, 2015 appeal approximately one month before his resignation. Therefore, under these circumstances, the Commission finds no grounds on which to grant reconsideration of its prior decision.

ORDER

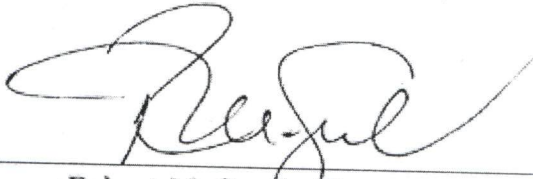
Therefore, it is ordered that this request for reconsideration be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

list on February 4, 2016 for failing to respond to the certification notice. Agency records indicate that the petitioner appealed the removal.

³ Agency records indicate that the petitioner did not pursue the matter for a formal Commission decision.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF OCTOBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

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