
OPEN SESSION

INITIAL DECISIONS

Kapler, Leah – Ocean County - Initial Decision – The Board considered the following in Leah Kapler's appeal: all exhibits, and the Administrative Law Judge's Initial Decision dated March 21, 2016. The Board voted to adopt the ALJ's recommendation granting Accidental Disability retirement benefits effective December 1, 2014. (Motion by Trustee Bennett seconded by Trustee Middlesworth)

(A motion to adopt Resolution B was made by Trustee Bennett seconded by Trustee Brennan. A subsequent motion to return to Open session was made by Trustee Bennett seconded by Trustee Middlesworth)

Rice, Daniel – Westville Borough - Initial Decision – The Board considered the following in Daniel Rice's appeal: all exhibits, the Administrative Law Judge's Initial Decision dated April 8, 2016. Attorney, Stuart Alterman's exceptions, dated April 28, 2016; and reply to exceptions, submitted by DAG Robert S. Garrison, dated April 29, 2016. The Board noted the exceptions filed by Mr. Alterman and the reply to exceptions filed by DAG Garrison. Thereafter, the Board voted to adopt the finding of ALJ Joseph A. Ascione affirming the Board's decision denying Mr. Rice's application for Ordinary Disability retirement benefits. (Motion by Trustee Bennett seconded by Trustee Middlesworth)

Shaloub, James – Englewood Cliffs Borough – The Board considered the following in James Shaloub's appeal: all exhibits; and the Administrative Law Judge's Initial Decision dated March 29, 2016. Thereafter, consideration of the ALJ Irene Jones' Initial Decision was tabled due to the lack of a quorum.¹ Therefore, no action was taken. The matter will be rescheduled for consideration at the June 13, 2016 meeting. (No motion, lack of quorum, Trustees Loccke, Barrett recused)

Whittle, Michael – Montclair Township – The Board considered the following in Michael Whittle's appeal: all exhibits; and the Administrative Law Judge's Initial Decision dated April 8, 2016. The Board voted to adopt the recommendations of the Honorable Evelyn J. Marose, ALJ, in her decision denying Mr. Whittle's application for Accidental Disability retirement benefits. (Motion by Trustee Bennett seconded by Trustee Middlesworth)

Kurinzi, Michael – City of Elizabeth – The Board considered the following in Michael Kurinzi's appeal: considered the following in your appeal: all exhibits; and the Administrative Law Judge's Initial Decision dated March 31, 2016. The Board voted to adopt the recommendation of the Honorable Edward J. Delanoy, ALJ, in his decision dismissing his appeal for Accidental Disability retirement benefits. (Motion by Trustee Loccke seconded by Trustee Barrett)

(A motion to adopt Resolution B was made by Trustee Middlesworth seconded by Trustee Culliton. A subsequent motion to return to Open session was made by Trustee Kaniuk seconded by Trustee Culliton)

Stopko, Keith – Division of Criminal Justice – The Board considered the following in Keith Stopko's appeal: all exhibits, the Administrative Law Judge's Initial Decision dated February 25, 2016. Stuart Alterman's letter dated April 8, 2016; the April 11, 2016 response from Deputy Attorney General Amy Chung; the Board letter dated April 15, 2016 tabling the matter until the May 2, 2016 meeting to allow Mr. Alterman time to prepare a letter brief; His exceptions/letter brief, dated April 21, 2016; reply to his letter brief, dated April 26, 2016, from Deputy Attorney General Amy Chung; and his personal comments. The Board noted the letter and exceptions filed by Mr. Alterman, and the letter and reply to exceptions filed by DAG Chung. Thereafter, the Board voted to adopt the Initial Decision of ALJ Joseph A. Ascione, denying Mr. Stopko's request for a fair hearing on his appeal of the denial of Ordinary Disability benefits due to his failure to appear/prosecute the matter on January 27, 2016. The ALJ also ordered that an application to restore the matter will only be considered upon the appellant's concurrent payment of the Board's expert's cancellation fee in the amount of \$1,575.

¹ Trustees Barrett and Loccke properly recused, reducing the number of Trustees in attendance below the number required to vote on a decision in this matter.