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STATE OF NEW JERSEY

In the Matter of Jamaal Godley,
Correction Officer Recruit (S9988T),
Department of Corrections

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-907

List Removal Appeal

ISSUED: FEB 16 2017 (CSM)

Jamaal Godley appeals the appointing authority's request to remove his name from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections, on the basis of falsification of his employment application.

In disposing of the certification from the subject list, the appointing authority requested the removal of the appellant's name, contending that the appellant had falsified his employment application. Specifically, the appointing authority asserted that the appellant failed to disclose on his application being charged with two counts of *N.J.S.A. 2C:21-5* for issuing bad checks on January 21, 2009.

On appeal, the appellant states that he brought with him two documents from the City of Newark on the date of his Phase 1&2 appointment that mention the allegation against him concerning domestic violence and issuing bad checks. The appellant notes that he did not try to hide the fact that the incidents took place and he emphasizes that both charges were dismissed. The appellant states that he is not proud of the situation that led to him being charged and underscores that he has no longer been involved in these kinds of situations. In support of his appeal, the appellant provides a document from the City of Newark dated November 20, 2015 indicating that the bad check charge against him was dismissed on February 25, 2009. In a supplemental submission, the appellant reiterates that he is accountable for any errors on his application, and emphasizes that it was not his intent to be dishonest or misleading on his application.

In response, the appointing authority states that the appellant failed to disclose that he had been charged with two counts of issuing bad checks on his

employment application. Although he claims that he submitted the disposition paperwork for both an assault charge and the charges for bad checks during his initial processing, the appointing authority maintains that he only disclosed the assault charge on his application. In support, the appointing authority provides a copy of the application filed by the appellant dated January 17, 2016. In response to question #46, which asks, "have you ever been arrested, indicted, charged with or convicted of a criminal, sexual, or disorderly persons offense in this State or any other jurisdiction as a juvenile or an adult," the appellant indicated he was arrested in May 2009 for a domestic violence situation. However, he did not indicate in response to question #46 that he was charged with issuing bad checks in January 2009.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)6*, allows the removal of an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *N.J.A.C. 4A:4-6.3(b)*, in conjunction with *N.J.A.C. 4A:4-4.7(d)*, provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

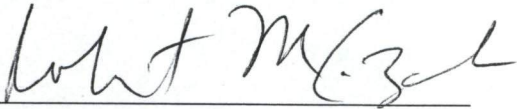
In the instant matter, the appointing authority removed the appellant's name from the subject list since he failed to disclose on his application that he was charged with two counts of issuing bad checks on January 21, 2009. While the appellant did not indicate in response to question #46 that he was charged with issuing bad checks, he provided this information on page 27 of his application. Specifically, in the section for additional information, the appellant explained that a situation occurred in September 2008 where he altered a personal check to help himself with a child who claimed to be his. The appellant indicated that the "citation was thrown out" and he "tried to collect the disposition" but was advised it was not yet in the system. According to the information provided with the appellant's appeal, the incident in fact occur on September 28, 2008, *not* January 21, 2009, and the charges were not dismissed until February 25, 2009. While it is clear that the appellant should have reported this information in responding to question #46, his description of the circumstances regarding the bad check charges later in his application is sufficient to satisfy the Commission that he was not attempting to omit pertinent information. Accordingly, the appointing authority has not presented sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9988T) eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name restored to the subject list for prospective appointment opportunities.

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 8TH DAY OF FEBRUARY, 2017



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