



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Muhammad
Hameen, County Correction Officer
(S9999U), Camden County

List Removal Appeal

CSC Docket No. 2019-483

ISSUED: JANUARY 18, 2019 (HS)

Muhammad Hameen appeals the removal of his name from the eligible list for County Correction Officer (S9999U), Camden County on the basis that he falsified his preemployment application.

The appellant, a non-veteran, took and passed the open-competitive examination for County Correction Officer (S9999U), which had a closing date of August 31, 2016. The resulting eligible list promulgated on March 29, 2017 and expires on March 30, 2019. The appellant's name was certified to the appointing authority on March 1, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to the falsification of his preemployment application. The appointing authority asserted that the appellant failed to disclose that on January 31, 2003, he was found guilty on a charge of giving false information to an officer during an investigation, in violation of a municipal ordinance. Specifically, the appellant responded in the negative to question 39, "Have you ever been, charged or received a notice or summons to appear in any court of law, convicted, pled not guilty, or pled guilty to any criminal violation, regardless if the record was sealed or expunged?" In support, it submitted excerpts from the appellant's preemployment application and documentation from the New Jersey Automated Complaint System (ACS).

On appeal to the Civil Service Commission (Commission), the appellant asserts that he has never been arrested, and that the arrestee in the 2003 incident was actually his cousin. He also asserts that his cousin gave the arresting officer the appellant's name. He further asserts that if the fingerprints and photo from the

incident were to be checked against his own fingerprints and photo, it will be “obvious that this was not me.”

In response, the appointing authority points out that the ACS documentation refers to the appellant.

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 Commission to remove an eligible’s name from an eligible list when he 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 name from an eligible list was in error.

In this matter, the appointing authority maintains that the appellant did not disclose on his preemployment application that he was found guilty on a charge of giving false information to an officer during an investigation in violation of a municipal ordinance in 2003. In support, the appointing authority provides documentation from the ACS indicating that the appellant received this charge. The appellant claims that it was actually his cousin who was arrested in the 2003 incident. However, he offers no evidence in support of this assertion, and the ACS documentation clearly refers to the appellant. As such, the Commission cannot credit his base assertions. Thus, the appellant failed to disclose the 2003 charge on his application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a County Correction Officer, to ensure that his preemployment application is a complete and accurate depiction of his history. In this regard, the Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D’Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate’s name based on falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his peril. See *In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

Here, the appellant’s omission is sufficient cause to remove his name from the eligible list. The preemployment application required disclosure of the information. The type of omission presented is clearly significant and cannot be condoned as such information is crucial in an appointing authority’s assessment of a

candidate's suitability for the position. Indeed, an appointing authority's assessment of a prospective employee could be influenced by such information pertaining to an offense of dishonesty, especially for a position in law enforcement. Therefore, the information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on his application. The appellant's failure to disclose the information is indicative of his questionable judgment. Such qualities are unacceptable for an individual seeking a position as a County Correction Officer. In this regard, the Commission notes that a County Correction Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. County Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). The public expects prison guards to present a personal background that exhibits respect for the law and rules. Accordingly, there is a sufficient basis to remove the appellant's name from the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

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 16TH DAY OF JANUARY, 2019



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