



STATE OF NEW JERSEY

In the Matters of Jamara Robinson,
Correctional Police Officer (S9988U),
Department of Corrections

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

CSC Docket No. 2019-1574

List Removal Appeal

ISSUED: APRIL 2, 2019 (SLK)

Jamara Robinson appeals her removal from the eligible list for Correctional Police Officer (S9988U), Department of Corrections on the basis that she possessed an unsatisfactory driving record.

The appellant took the open competitive examination for Correctional Police Officer (S9988U), which had an August 31, 2016 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking her removal, the appointing authority indicated that the appellant was cited four times for driving while her license was suspended.

On appeal, the appellant states that during the times that she was accused of driving with a suspended license for parking tickets, she was not aware of any of the tickets that caused her suspensions as she had lent her car to others who received parking tickets, but did not inform her. She asserts that she was a young and a new driver at that time and she now understands that driving is a privilege. The appellant presents that she appeared in court and claims that the judge dismissed the driving while suspended tickets because she was unaware of the tickets that led to her suspensions. Therefore, she claims she did not drive while her license was suspended and there are no grounds for removal. She submits documentation from the court to show that her driving while suspended tickets were amended and disposed of. The appellant highlights that she is currently a senior in college and will receive a Bachelor's degree in Criminal Justice upon graduation.

In response, the appointing authority presents that the appellant's driver's abstract indicates that she was cited four times of driving while her license was suspended and there is nothing in the record to disputes this. Additionally, it highlights that its criteria for removal indicates that two or more instances of driving with a suspended license within eight years of the subject examination closing date will result in removal from the list.¹ The appointing authority submits the appellant's certified driving abstract which indicates that the appellant received violations for delaying traffic (March 18, 2017), failure to wear seat belt (March 18, 2017), unsafe operation of a motor vehicle (February 12, 2016), failure to wear seat belt (November 9, 2015), maintenance of lamps (July 26 2013), GDL passenger restrictions (July 26, 2013), driving while suspended-parking ticket (July 26, 2013), driving while suspended-parking ticket (July 2, 2013), driving while suspended-parking ticket (February 16, 2013), maintenance of lamps (February 16, 2013), driving while suspended-parking ticket (January 25, 2013), no license, registration or insurance identification in possession (January 25, 2013), vehicle with improper light color (June 23, 2012), improper display/fictitious plates (June 23, 2012), and failure to wear seat belt (June 23, 2012). Additionally, the abstract indicates that her license was suspended between December 21, 2012 and May 16, 2013 and May 31, 2013 and April 9, 2014.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. The Commission has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle violations reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

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 this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant had 15 motor vehicle

¹ The Civil Service Commission is not bound in any way by an appointing authority's standards or criteria in determining whether a removal from a list is appropriate.

violations on her driver's abstract between June 2012 and March 2017. Additionally, while the appellant claims that her violations for driving while her license was suspended were not her fault because she had lent out her car to individuals who received parking tickets and then those individuals did not advise her, even if true, it was the appellant who exercised poor judgment in lending her car to those individuals. Further, contrary to the appellant's assertions, the driving while suspended violations were not dismissed as they are still on her driver's abstract. Instead, the documentation that she submits indicates that they were disposed of by her paying fines. Moreover, she received numerous tickets that did not involve her lending her car, including two after the closing date. The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not he should remain eligible to be a Correctional Police Officer. These violations evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. Further, it is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. *See Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990).

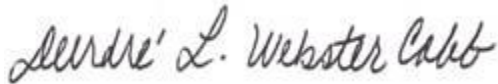
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correctional Police Officer (S9988U), Department of Corrections eligible list.

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 27th DAY OF MARCH, 2019



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