



STATE OF NEW JERSEY

In the Matter of Valline Whitsett-
Hernandez, Correctional Police
Officer (S9999U), Department of
Corrections

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

CSC Docket No. 2019-1710

List Removal Appeal

ISSUED: APRIL 2, 2019

(SLK)

Valline Whitsett-Hernandez appeals her removal from the eligible list for Correctional Police Officer (S9999U), Department of Corrections on the basis that she possessed an an unsatisfactory background and falsified her application.

The appellant took the open competitive examination for Correctional Police Officer (S9999U), 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 charged with leaving the scene of an accident in 2008, harassment in 2010, and theft in 2016. Additionally, it indicated that the appellant falsified her application for failing to list these charges on her application.

On appeal, concerning the leaving the scene charge, the appellant presents that she was driving home from a friend's house and fell asleep one block from her home. She states that because she had never been in accident, she was afraid and parked her car near her home. Thereafter, her significant other drove her to the police station. The appellant indicates that she was found not guilty and, therefore, she was not convicted of a crime. Regarding the harassment charge, she and her then boyfriend and now husband, had an unfortunate experience. She submits a letter from her husband that states that he overreacted when he filed a harassment charge against the appellant, he regrets filing the charge, and he indicates that they are happily married. With respect to the theft charge, she asserts that this charge was

false. The appellant explains that she went to a restaurant to eat. However, she states that she did not like the way that she was being treated so she told the restaurant to cancel her meal and left before the meal was ever served. However, the restaurant filed a false claim against her for not paying her bill. She presents that she thought the restaurant just filed a complaint against her and she did not know she was charged. Still, even without knowing she was charged, she was found not guilty.

Additionally, the appellant asserts that she did not falsify her application as she only listed arrests because she thought that was all that was required. Further, she did not even know that the theft complaint was on her record. She explains that she only listed the two incidents on her application that were on the report that she received from the West Orange Police Department because that is all she could remember. She highlights her college education where she has made the dean's list twice and was chosen to represent The School of Criminal Justice for the year of 2016, and her work experience in security, as a private detective, and a surveillance monitor.

In response, the appointing authority stands by its decision to remove the appellant for an unsatisfactory background based on the charges above and for falsification as she did not list these charges on her application. The appointing authority submits the police reports for the incidents in question and her application to support her removal.

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:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*, allows the removal of 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.

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's application required the appellant to list all charges against her regardless of the outcome. In addition to the above-

mentioned charges, the appellant's application indicates that she was charged for an incident in 2005 and on December 28, 2016, which were both dismissed. Therefore, the appellant's background includes five charges against her between 2005 and 2016, including two charges after the subject examination closing date. While the appellant explains that she only listed the two arrests that were on her police reports from West Orange because that is all she could remember, and she did not list the theft charge because she thought it was just a complaint, the appellant is responsible for the accuracy of her application. See *In the Matter of Harry Hunter* (MSB, decided December 1, 2004) and *In the Matter of Jeffrey Braasch* (MSB, decided December 1, 2004).

Additionally, 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 his 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. Therefore, even though all the charges against the appellant have been dismissed, as the appellant had several negative interactions with the law, and even if the appellant did not intend to deceive the appointing authority, at minimum, it needed to know this information so that it could properly evaluate her candidacy. See *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correctional Police Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an 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 Correctional Police Officers to present a personal background that exhibits respect for the law and rules. Accordingly, the Civil Service Commission (Commission) finds that the appellant falsified her application as the appointing authority needed her complete background to understand if she had the good character and judgment to be a law enforcement officer. Further, the Commission finds that the incidents above, especially in light that two occurred after the closing date, support that the appellant has an unsatisfactory background.

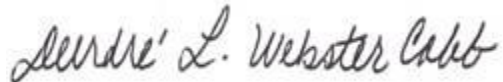
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Correctional Police Officer (S9999U), Department of Corrections.

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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