



**STATE OF NEW JERSEY**

In the Matter of Mark Atkinson,  
Correctional Police Officer (S9988T),  
Statewide

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

CSC Docket No. 2019-1647

List Removal Appeal

**ISSUED: APRIL 2, 2019 (SLK)**

Mark Atkinson appeals his removal from the eligible list for Correctional Police Officer (S9988T), Statewide for an unsatisfactory background report.

By way of background, on November 23, 2018, the Department of Corrections sent a notice to the appellant indicating that his name had been removed from the list for an unsatisfactory background report. Specifically, it indicated that the appellant was associated with a certain criminal gang.

On appeal, the appellant denies any affiliation with any criminal or gang organization.

In response, the appointing authority acknowledges that its background report was not accurate and as it determined that there has been no demonstration that the appellant was associated with any criminal gang. Therefore, it states that his removal from the list was an administrative error.

**CONCLUSION**

*N.J.A.C.* 4A:4-3.4(a)3 provides that the Civil Service Commission may revive an expired eligible list to correct an administrative error.

*N.J.A.C.* 4A:4-4.7(a)1 and *N.J.A.C.* 4A:4-6.1(a)9 provide that an eligible's name may be removed from a list for other sufficient cause. *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.

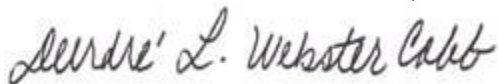
In the instant matter, the appointing authority acknowledges that its removal of the appellant's name from the list was an administrative error. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Correctional Police Officer, Statewide. Since the S9988T eligible list expired on July 22, 2017, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

### ORDER

Therefore, it is ordered that this appeal be granted and the list for Correctional Police Officer (S9988T), Statewide be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

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 27<sup>th</sup> DAY OF MARCH, 2019



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Chairperson  
Civil Service Commission

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