

CSD B-10



STATE OF NEW JERSEY

In the Matter of Richard A. Fairley,
Jr., Social Service Technician
(C0015S), Passaic County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-368

Examination Appeal

ISSUED: OCT 01 2014 (BS)

Richard A. Fairley, Jr. appeals the decision of the Division of Selection Services denying his request for a make-up examination for Social Service Technician (C0015S), Passaic County.

The subject examination was administered on July 10, 2014. Prior to the examination date, the appellant submitted a request for a make-up examination to the Division of Selection Services in which he indicated that he was going to be out of State for a pre-paid bowling conference from July 9 through July 11, 2014. The Division of Selection Services denied his request by letter dated July 10, 2014. The appellant was recorded as not showing up for the examination.

On appeal to the Civil Service Commission, the appellant states that he attended a pre-paid conference in Buffalo, New York from July 9 through July 11, 2014 His hotel reservation was confirmed on June 25, 2014. In support of his appeal, he provides a copy of his reservation confirmation, his rental car reservation, and the conference itinerary.

CONCLUSION

N.J.A.C. 4A:4-2.9(a)5 provides that make-up examinations may be authorized in cases of prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation.

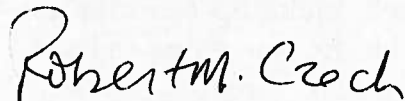
In the instant matter, the appellant indicated he was out of State at the time of the examination and submitted an affidavit in support of his appeal. He requested a make-up examination prior to the test date but was denied by the Division of Selection Services by letter dated July 10, 2014. On July 28, 2014, the appellant submitted documentation indicating that he was registered to attend a conference out of state on the date of the examination. To that end, the vacation plans could not reasonably be changed, as he would miss at least one or two days of the three-day conference to take the examination on the evening of July 10, 2014. In addition, although New York is a contiguous state, the event was a six hour drive from the appellant's area in New Jersey. Based on the unique facts of this case, good cause exists to afford the appellant a make-up examination under *N.J.A.C. 4A:4-2.9(a)5*.

ORDER

Therefore, it is ordered that this appeal be granted and a make-up examination be administered as soon as possible. If the appellant passes the examination, the appellant's name should be added to the list for prospective appointment consideration 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 1ST DAY OF OCTOBER, 2014**



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Richard A. Fairly, Jr.
Dan Hill