

The appellant responded by providing a remittance stub for a Worker's Compensation check for the period May 17 to May 30, 2014. He also included a physician's note dated August 12, 2014 which stated that he could not return to work until September 2, 2014. It also indicated that the "patient was out of work from surgery date 5/1/14-9/2/14" and included the diagnosis "Status post R RCR."

N.J.A.C. 4A:4-2.9(a), Make-up Examinations, provides that make-up examinations, except for police, fire and professional level engineering promotional examinations, may be authorized for the following reasons:

1. Error by the Commission or appointing authority;
2. Serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons;
3. Documented serious illness or death in the candidate's immediate family;
4. Natural disaster;
5. 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; and
6. Other valid reasons.

CONCLUSION

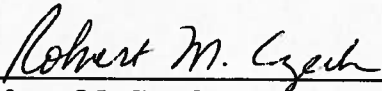
The record establishes that the appellant was scheduled to take a performance examination on May 28, 2014 and did not do so. Despite two requests for documentation, the appellant did not supply a comprehensible diagnosis from his physician, and he did not describe a serious illness or disability which precluded the appellant from taking the test on the test date. The physician's note was to excuse the appellant from work from May 1, 2014 to September 2, 2014, although it did not indicate that he was unable to take the test on May 28, 2014. Nevertheless, the Commission notes that the appellant was out of work from at least February 22 to September 2, 2014, and the examination was a performance test. Thus, the restrictions which would have kept him out of work would also have prevented him from taking the performance examination. 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)6.

ORDER

Therefore, it is ordered that this appeal be granted.

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
THE 22nd DAY OF OCTOBER, 2014**



**Robert M. Czech
Chairperson
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