



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Danika Johnson,  
Correction Officer Recruit (S9988R),  
Department of Corrections

CSC Docket No. 2014-2599

List Removal Appeal

ISSUED: NOV 21 2014 (WR)

Danika Johnson appeals the removal of her name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections.

The appellant, a nonveteran, took the open competitive examination for Correction Officer Recruit (S9988R), Department of Corrections, achieved a passing score, and was ranked on the subsequent eligible list, which promulgated on May 23, 2013 and expires on May 22, 2015. The appellant's name was certified on November 23, 2013. In disposing of the certification, the appointing authority removed the appellant's name from the subject eligible list after she indicated that she was not interested in the position.

On appeal to the Civil Service Commission (Commission), the appellant states that a "Correction Officer" asked her to request that her name be removed from the subject eligible list because she had been convicted of a crime in 2008. The appellant contends that she was "convicted" of the crime when she was "15 years old," but did not know she had been charged with the crime until this appeal.<sup>1</sup> The appellant further claims that the appointing authority alleged that her friends on her Facebook page were displaying gang signs. The appellant asserts that she does not know many of the people she is friends with on Facebook, does not know "why they're on [her] page," and does not "even get on [Facebook] anymore." The appellant declares that she does not know any gang members.

<sup>1</sup> Based on the appellant's birthday, she would have been 17 years old at the time of her "conviction."

In response, the appointing authority asserts that the appellant was charged as a minor in 2008 with defiant trespass and theft by unlawful taking and as an adult in 2009 for assault.<sup>2</sup> The appointing authority contends that the appellant falsified her application by failing to list the 2008 charges on her application and indicating that she was found not guilty of the 2009 charge when the charge was actually dismissed. The appointing authority further claims that the appellant falsified her application by failing to indicate that she was affiliated with gang members due to pictures on her Facebook page of individuals showing alleged gang signs. The appointing authority maintains that as a result of these issues, a Custody Recruitment Officer gave the appellant the option to remove herself from the subject eligible list or to continue the preemployment process and be removed for the above-noted reasons. In response, the appellant completed a processing form and stated in her own handwriting that she was not interested in the subject position. In support, the appointing authority submits: a copy of the appellant's employment application with instructions that applicants are required to list their entire criminal record and failure to do so may result in the removal of their name from the eligible list; her driving record and criminal record; photographs from her Facebook page showing people displaying gang signs with their hands; a processing form in which the appellant indicated that she was not interested in the subject position and understood that her name would be removed from the subject eligible list; and a handwritten statement in which the appellant wrote, "I am no longer interested in the position to become a Correction Officer. I am doing this on my own accord."

### CONCLUSION

*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 removed the appellant's name from the subject eligible list because she stated that she was no longer interested in the subject position. In support of the removal of her name, the appointing authority submits a processing form in which the appellant indicates that she was not interested in the subject position and understands that her lack of interest would result in the removal of her name from the subject eligible list. Although the appellant asserts that her background is not a sufficient basis to have removed her name from the eligible list, she does not dispute that she signed the processing form indicating that she was not interested in the position. The form clearly placed her

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<sup>2</sup> The record indicates that the 2008 charges were dismissed after the appellant completed a diversionary program and the 2009 charge was dismissed after the appellant paid a fine. The appointing authority also indicated that the appellant had two outstanding unpaid traffic tickets.

on notice that signing it would remove her name from the subject eligible list. Moreover, the appellant indicated in a handwritten statement that she was doing so "on her own accord." Accordingly, the appellant has failed to meet her burden of proof in the matter and a sufficient basis exists in the record to remove the appellant's name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections.

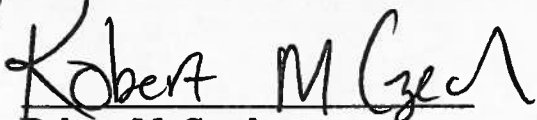
As the appointing authority has established sufficient cause to remove the appellant's name based on her signed statements, it is unnecessary to address whether the appellant falsified her application or whether individuals displaying alleged gang signs on her Facebook page are also a sufficient basis to remove her name from the subject 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 19<sup>th</sup> DAY OF NOVEMBER, 2014



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