



application once he recovered from surgery and began physical therapy. Subsequently, on August 29, 2014 he attempted to file an on-line application and was unsuccessful. Civil Service Commission (Commission) staff informed him that the application deadline had passed. When he mentioned the highlighted September 30, 2014 closing date, the staff member informed him of the difference between the closing date and the application date. He states that she also told him of the location of the application deadline date, which he underlined in pen at that time. He stated that he realized that he missed the application deadline by eight days, and argued that this was due to his preoccupation with his injury, reliance on the highlighted date on the announcement, and not knowing the definition of the closing date. He stated that the only promotional announcement that he had applied for was ten years ago, and requested an extension to submit his application.

In response to the appeal, DSS indicated that it was unfortunate that the appellant misread the application filing deadline and that his personal circumstance interfered with his ability to file a timely application. DSS indicated that the promotional announcement and one page application were available on the Civil Service Commission website 24 hours, 7 days a week during the 21-day filing period. It also informed the appellant that he stated that that he was given the announcement on July 31, 2014, which was prior to its official issue date, and the medical documentation submitted indicated that he was "restricted to light duty at work" from August 4 to 15, 2014. Thus, DSS denied his request on the totality of the circumstances.

In his appeal of this issue, the appellant states that he had an unexpected fall on August 2, 2014, which resulted in an inability to move his arm. He was seen in the emergency room and was out of work until he saw his Orthopedic Doctor on August 4, 2014. At that time, he was told he would require surgery which was scheduled for August 15, 2014. He states that he was recovering from surgery when the application deadline passed. He states that, while recovering from surgery, his arm was in a sling and he was taking prescription pain medication which made him drowsy. He indicates that he was out of work and unable to submit an application for 9 of the 21 days during the application process. He also adds that he submitted his original of the promotional announcement to DSS, so could only provide copies. Further, the appellant submits medical documentation which exempts him from work from August 2 to 4, 2014, restricts him to light duty at work until surgery on August 15, 2014, and restricts him from working from August 15 to September 16, 2014.

*N.J.A.C. 4A:4-2.6(a)4* (Eligibility for promotional examination) states that applicants for promotional examinations shall file an application on or before the application filing date.

## CONCLUSION

In the instant matter, the record establishes that the period for filing applications was from August 1, 2014 to August 21, 2014. The appellant states that he attempted to file his application on August 29, 2014. He would have been unable to do so as only online applications were accepted. The appellant then filed an appeal this issue on September 2, 2014 and was denied. The appellant requests that an application be accepted.

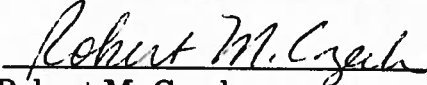
The announcement was issued on August 1, 2014 and the appellant was injured on August 2, 2014 which resulted in the inability to move an arm. He then had surgery on August 15, 2014, and was recovering afterwards, while on medications and with his arm in a sling. The appellant has submitted medical documentation regarding a shoulder injury and his absence from work or restrictions from work from August 2, 2014 the August 21, 2014. Based on the clarification of the appellant's condition which he provided on appeal, the appellant has presented good cause to accept his application after the application filing date. The appellant should be scheduled for a make-up examination pending receipt of his application and application filing fee. DSS should provide the appellant with a paper application, and the appellant should file it with the filing fee within 10 days of receipt of this decision.

## ORDER

Therefore, it is ordered that this appeal be granted, and the appellant be scheduled for a make-up examination.

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 6<sup>th</sup> DAY OF NOVEMBER, 2014

  
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