

B-39



STATE OF NEW JERSEY

In the Matter of Christopher Dottino,
Entry Level Law Enforcement
Examination (S9999R), Statewide

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-3176

Examination Appeal

ISSUED: NOV 10 2014 (JH)

Christopher Dottino requests that his application for the Entry Level Law Enforcement Examination (S9999R), Statewide be processed.

By way of background, Mr. Dottino's application for the subject test was initially accepted and he was scheduled to take the subject test on December 5, 2013 at 6:00 p.m. at Paramus Catholic High School in Paramus. Subsequently, his check for the application processing fee was returned for insufficient funds. On September 6, 2013, the Division of Selection Services sent Mr. Dottino email notification that his fee had been returned as invalid and indicated that a money order in the amount of \$45.00 must be submitted by September 23, 2013 in order to process his application.

On appeal, Mr. Dottino submits a signed sworn statement in which he explains that he sat for the subject test. However, when he did not receive a scoring notice, he contacted the Division of Selection Services and he was informed that his "check did not clear." Mr. Dottino states that he "never received any such information either by mail or e-mail."

CONCLUSION

N.J.A.C. 4A:4-2.17 provides, in part, that a processing fee shall be charged for each open competitive and promotional examination application and the fee shall be submitted with the application. See *N.J.A.C.* 4A:4-2.17(a) and (b). *N.J.A.C.* 4A:4-

2.17(c) provides that applications received without a fee shall not be processed unless the applicant submits the required fee within the prescribed time frame.

In the present matter, Mr. Dottino has submitted a signed sworn statement that he did not receive notification by mail or email that his processing fee was invalid. Generally, the Commission is willing to accept that if an individual is prepared to make a statement under oath, understanding all its implications and consequences, then it is proper to permit the presumption of receipt to be overcome. In actuality, there is no other alternative for a candidate. It is not possible to prove a negative, *i.e.*, that mail was not received. If the Commission did not accept a sworn statement averring that mail was not received, there would be no remedy at all for individuals who find themselves in this particular situation.

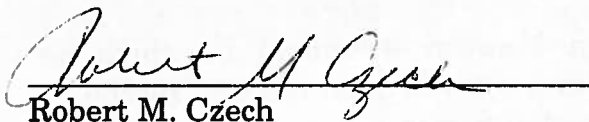
The application processing fee of \$45.00 in the form of a money order should be forwarded within 20 days of receipt of this decision to: New Jersey Civil Service Commission, OAS Fee Support, P.O. Box 322, Trenton, New Jersey 08625-0322. Failure to submit the processing fee within the time provided will result in rejection from the examination process.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed contingent upon receipt of the requisite processing fee within 20 days of receipt of the application, and he be notified of his score and rank.

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 6TH DAY OF NOVEMBER, 2014



Robert M. Czech

Chairperson

Civil Service Commission

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and
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**c: Christopher Dottino
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