

B-8



STATE OF NEW JERSEY

In the Matter of David Vacirca,  
Entry Level Law Enforcement  
Examination (S9999R)

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2808

Examination Appeal

ISSUED: **AUG 15 2014** (JH)

David Vacirca requests that he be permitted to amend his application for the Entry Level Law Enforcement Examination (S9999R). It is noted that appellant passed the subject examination with a final average of 91.740 and a rank of 7,077.

By way of background, the subject examination was announced with a closing date of September 4, 2013 and all applications had to have been received by that date. A review of the record indicates that appellant listed a Little Ferry address on his application and indicated a Little Ferry residency code (0230).

On appeal, Mr. Vacirca indicates in a sworn statement that when he applied for the subject examination he was residing in Little Ferry. However, on August 15, 2013, he purchased a home in Pompton Lakes and moved to his new home on August 17, 2013. He indicates that on August 1, 2013, he mailed a letter to the Civil Service Commission requesting that his address be changed from Little Ferry to Pompton Lakes. However, when he received his scoring notice dated May 1, 2014, it indicated the Little Ferry address. Upon contacting the Civil Service Commission, he was informed that his address change letter had not been received. In support of his appeal, he provides additional documentation including: a copy of a deed dated August 15, 2013 for the purchase of a home in Pompton Lakes; a copy of an invoice dated August 15, 2013 for attorney fees related to the purchase of the home in Pompton Lakes; and a copy of an undated letter from Mr. Vacirca requesting an address change from Little Ferry to Pompton Lakes.

## CONCLUSION

*N.J.A.C.* 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date.

On the subject announcement, candidates were instructed that they must read the 2013 Law Enforcement Examination Fact Sheet. The Fact Sheet specifically states, "You must be a legal resident of the jurisdiction you list as your residency as of the closing date, September 4, 2013." Thus, candidates were on notice regarding residency requirements.

In the present matter, the announcement clearly indicated that the last date for filing an application was September 4, 2013. Mr. Vacirca has submitted a sworn statement in which he indicates that he submitted a change of address request dated August 1, 2013, a month prior to the closing date, to the Civil Service Commission. 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 the Commission will accept the statement that the documentation was in fact mailed in a timely manner. *See e.g., In the Matter of Dalton Price* (MSB, decided January 17, 2007); and *In the Matter of Neil Nelson* (MSB, decided January 26, 2005). Since Mr. Vacirca has submitted a sworn statement that his request was mailed prior to the closing date and has provided documentation of the purchase of a home in Pompton Lakes, his request should be processed and the appellant be permitted to amend his application to indicate a Pompton Lakes residency code (1609).

The Commission emphasizes that it is not making a determination of the appellant's residency but rather that the appellant made a request to change his residency prior to the closing date. In this regard, it is noted that each jurisdiction has its own residency requirement, which must be met by the closing date. The Civil Service Commission does not have authority over the establishment of this requirement. Some jurisdictions only require candidates to be residents as of the closing date, while others also require that residency be maintained up to the date of appointment. *See N.J.A.C.* 4A:4-2.11(c). The appointing authority will investigate the appellant's residency as part of its background check conducted prior to making any appointment.

## ORDER

Therefore, it is ordered that this appeal be granted and his application be amended to indicate a Pompton Lakes residency code.

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 13TH DAY OF AUGUST, 2014



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