

CSC
B-18



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Okechukwu Ihuoma,
Human Services Technician (PS9823K),
Greystone Park Psychiatric Hospital

CSC Docket No. 2014-2376

List Removal Appeal

ISSUED: **JUL 18 2014** (EG)

Okechukwu Ihuoma appeals the attached decision of the Division of Classification and Personnel Management (CPM) removing his name from the Human Services Technician (PS9823K), Greystone Park Psychiatric Hospital eligible list due to his failure to respond to the Notice of Certification.

The subject eligible list (S9987M) was promulgated on October 25, 2012 and expires on October 24, 2015. In disposing of the August 21, 2013 certification of the subject list, the appointing authority requested the removal of the appellant's name from the subject eligible list based on his failure to respond to the Notice of Certification. The appellant appealed the removal of his name from the list to CPM. CPM upheld the removal of the appellant's name based on the information provided by the appointing authority.

On appeal, the appellant argues that the Notice was sent to his family's residence, which was his prior residence, and was misplaced. Additionally, the appellant contends that this was a simple mistake that could happen to anyone and request that he be restored to the list and be permitted to retain his provisional appointment. In this regard, the appellant states that he passed the examination and deserves an appointment. Further, the appellant asserts that he has been an exemplary employee who saved a patient's life and has received awards.

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 the appellant's name from an eligible list was in error. Additionally, *N.J.A.C.* 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for non-compliance with the instructions listed on the notice of certification.

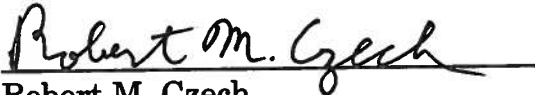
In the instant matter, the appellant had five days to respond as interested in the certification as indicated on the Notice. Failing to respond to a Notice of Certification because it was misplaced is not a valid reason to be restored to the eligible list. Further, it was also incumbent upon the appellant to notify this agency of his new address to ensure that the Notice of Certification was sent to his current address. In this regard, the appellant has not indicated nor provided any evidence that a change of address was submitted. Finally, the Commission notes that no employee has a vested right in a provisional appointment and an appointing authority may separate an employee from such an appointment at its discretion. Accordingly, the appellant has not met his burden of proof in this matter, and the appointing authority has shown sufficient justification for removing his name from the Human Services Technician (PS9823K), Greystone Park Psychiatric Hospital 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 16TH DAY OF JULY, 2014**



Robert M. Czech

Chairperson

Civil Service Commission

**Inquiries
and
Correspondence**

**Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312**

Attachment

**c: Okechukwu Ihuoma
Christina J. Mongon
Kenneth Connolly
Joseph Gambino**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

January 8, 2014

IHUOMA OKECHUKWU

Title: HS TECHN
Symbol: PS9823K
Jurisdiction: HSHG
Certification Number: PS131309
Certification Date: 08/21/2013

Initial Determination: M4 - Removed – No Response to Certification Notice

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list. The Appointing Authority requested removal of your name in accordance with *N.J.A.C. N.J.A.C. (4A:4-4.7(a)6)*, which permits the removal or bypass of an eligible candidate's name from the eligible list for non-compliance with the instructions listed on the notice of certification.

After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's request to remove your name has been sustained and your appeal is denied.

Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals and Regulatory Affairs (ARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to ARA. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

Please be advised that pursuant to P.L. 2010, c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, c. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L. 1997, c.38 (C.44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees. Address all appeals to: Henry Maurer, Director, Division of Appeals and Regulatory Affairs, Written Record Appeals Unit, PO Box 312, Trenton, NJ 08625-0312.

Sincerely,

Kairavi Inamdar on behalf of
Valerie Stutesman
Leader/Manager

c: Jerri Casazza