

B-22



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Stephen Weierbach,
Fire Captain (PM1100S),
Atlantic City

Examination Appeal

CSC Docket No. 2015-1677

ISSUED: FEB -9 2015

(RE)

Stephen Weierbach appeals the decision of the Division of Selection Services denying his request for a make-up examination for the written portion of the promotional examination for Fire Captain (PM1100S), Atlantic City.

By way of background, the written portion of the promotional examination was administered November 15, 2014 and Mr. Weierbach did not appear to take the test. On appeal, Mr. Weierbach states that he received his notification of examination three days after the exam had been held. He states that should have been notified online of the examination date. He also states that he was under a doctor's care for an ear infection and could not travel on November 15, 2014. He supplies a doctor's note which indicates that he was under medical care and could not attend work from November 13 to 17, 2014. He supplied a copy of an email he sent on November 17, 2014 indicating that he did not receive his notification. In response to the appeal, the appellant was asked to submit a signed, sworn affidavit that he was not notified of the subject examination. The appellant complied and, in his affidavit, the appellant certifies that he received his notification on November 18, 2014.

N.J.A.C. 4A:4-2.9(c) provides, in pertinent part, that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Death in the candidate's immediate family;

2. Error by the Civil Service Commission or appointing authority; or
3. A catastrophic health condition or injury, which is defined as either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who provides a medical verification of the need for the candidate's absence from work for 60 or more work days.

It is noted that 68 candidates have been admitted and examination results are not yet available.

CONCLUSION

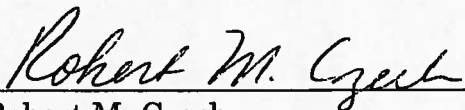
The record establishes that appellant was scheduled to take the written portion of the subject examination on November 15, 2014 and did not do so. The appellant has provided a signed, sworn affidavit certifying that he did not receive the Notification of Examination in a timely manner. Given these circumstances, good cause exists to permit the appellant to take a make-up examination.

ORDER

Therefore, it is ordered that this appeal be granted, and 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
THE 4th DAY OF FEBRUARY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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and
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