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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Hema Patel, Human
Services Specialist 1 (C0446S),
Hudson County

Administrative Appeal

CSC Docket No. 2015-778

ISSUED: FEB - 9 2015 (LDH)

Hema Patel appeals the determination of the Division of Selection Services (Selection Services) which found that the appellant was ineligible for the Human Services Specialist 1 (C0446S) examination because she failed to provide a foreign degree evaluation.

By way of background, the Human Services Specialist (C0446S) examination was announced with a June 6, 2014 closing date. The examination was open, in part, to applicants who possessed sixty semester hour credits from an accredited college or university. Applicants with foreign transcripts were to upload a copy of a foreign degree evaluation with their application. Applicants who did not possess the required education could substitute experience involving any combination of the following: securing/verifying information and making determinations or recommendations relating to eligibility or qualifications of applicants for loans, insurance, credit, or entitlement to cash awards, financial benefits or adjustment and settlement of insurance claims; investigations involving the collection of facts and information by observing conditions, examining records, interviewing individuals, and preparing investigative reports of findings; or investigating, establishing, and/or enforcing support obligations in a welfare board or agency, court system, or related agency. The indicated experience could be substituted on a year-for-year basis with thirty semester hour credits being equal to one year of experience. Agency records indicate that 745 applicants were found eligible for this examination.

On her application, the appellant indicated she possessed a Bachelor's degree from a college in Vidyanagar, India, but she did not upload a copy of her foreign degree evaluation. The appellant had also listed her experience as a baby sitter/nanny, cashier, clerk and co-owner/desk manager of Dutch Treat Motel.

Selection Services attempted to contact the appellant using the e-mail address on her application, but found it was an incorrect address. Next, Selection Services attempted to call the appellant on July 21, 2014 at the phone number provided on her application, but there was no answer, and there was no reply to Selection Services' message by July 29, 2014. Therefore, Selection Services determined that the appellant did not meet the announced requirements. On August 6, 2014, the appellant was notified of her ineligibility for the subject examination, and the 20 day time period in which to file an appeal.

In her appeal to the Civil Service Commission (Commission) dated September 15, 2014, the appellant argues that she mailed her foreign degree evaluation on May 22, 2014. In support, she submits a copy of the foreign degree evaluation by World Education Services. The appellant reiterates her experience and notes that she possesses 97½ semester hour credits. The appellant also contends that her notification of ineligibility was misplaced in her apartment complex and as a result, she was late in exercising her appeal rights. Finally, she maintains she did not receive any phone message or e-mail from Selection Services, and she reiterates the phone numbers and e-mail address she listed on her application.¹

CONCLUSION

N.J.A.C. 4A:4-6.6(a)1 provides that an appeal must be filed within 20 days of notice of the action, decision or situation being appealed. In the instant matter, Patel's appeal of Selection Services' decision is denied because it is untimely. On August 6, 2014, Selection Services notified the appellant of her ineligibility for the subject examination for failure to supply a foreign degree evaluation. Patel exercised her appeal rights 41 days after Selection Services' decision. The purpose of time limitations is not to eliminate or curtail the rights of appellants, but to establish a threshold of finality. Thus, it is clear that the appellant's appeal of her ineligibility is untimely.

Similarly, there is not a basis in this particular case to extend or to relax the time for appeal. See *N.J.A.C.* 4A:1-1.2(c) (the Commission has the discretionary authority to relax rules for good cause). In this regard, it is appropriate to consider whether the delay in asserting her right to appeal was reasonable and excusable. *Appeal of Syby*, 66 *N.J. Super* 460, 464 (App. Div. 1961) (construing "good cause" in

¹ It is noted that although the telephone numbers she listed on her application and on appeal are the same, the e-mail address on her application was missing one number based on the e-mail address she lists on appeal.

appellate court rules governing the time for appeal); *Atlantic City v. Civil Service Com'n*, 3 *N.J. Super.* 57, 60 (App. Div. 1949) (describing the circumstances under which delay in asserting rights may be excusable). Among the factors to be considered are the length of delay and the reasons for the delay. *Lavin v. Hackensack Bd. of Educ.*, 90 *N.J.* 145 (1982). In this case, the appellant has not presented any reason that would excuse her delay in filing her appeal. In addition, the appellant was given ample opportunity to submit her foreign degree evaluation. Selection Services twice attempted to contact the appellant about her foreign degree evaluation. Moreover, the appellant has not submitted any evidence to support her claim that she mailed her foreign degree evaluation. Finally, this is a highly competitive examination with 745 applicants found eligible, so this is not a situation which calls for relaxation of the rules. Accordingly, Patel's appeal is untimely, and she has failed to show good cause to justify relaxing the requirements of *N.J.A.C.* 4A:4-6.6(a)1.

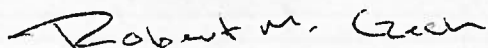
Even though the appellant's appeal is untimely, the Commission will address the remainder of her arguments. On appeal, the appellant argues she possess more than 97 credits. In support, she submits a foreign degree evaluation. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced filing date. Therefore, since the appellant failed to submit her foreign degree evaluation prior to the June 6, 2014 closing date, the evaluation cannot now be considered on appeal for eligibility purposes. Moreover, a review of the appellant's listed experience does not indicate she possesses any applicable experience that could be substituted for the indicated education. Therefore, based on the foregoing, Selection Services correctly determined that the appellant was ineligible for the subject examination.

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 4TH DAY OF FEBRUARY, 2015



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