

B-23



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Melisa Baker, Entry
Level Law Enforcement Examination
(S9999R), Statewide

CSC Docket No. 2014-3013

Examination Appeal

ISSUED: JUN - 4 2015 (WR)

Melisa Baker appeals the determination of the former Division of Selection Services (Selection Services)¹ that she did not provide proof of exemption from the application fee for the open competitive examination for Entry Level Law Enforcement Examination (LEE) (S9999R), Statewide.

By way of background, applicants for the LEE were required to pay an application fee to take the examination. However, applicants receiving General Assistance, Temporary Assistance for Needy Families or Supplemental Security Income were exempt from submitting the application fee, provided they submitted proof of assistance. See N.J.A.C. 4A:4-2.17. The appellant took the subject examination, but was thereafter notified that, although she indicated that she received General Assistance, she did not provide the required proof.

On appeal to the Civil Service Commission (Commission), the appellant states that she had submitted a copy of her Families First EBT card in July 2013. In support, she submitted an unsworn, but notarized statement that she provided proof of assistance and a copy of her driver's license and Families First EBT card. She also submitted a second copy of her driver's license and Families First EBT card that was sworn and notarized.

¹ This function is currently performed by the Division of Agency Services.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)3 requires applicants to file an application with all supporting documents or proofs by the announced filing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In situations similar to the instant matter, an appellant must indicate in an affidavit, *i.e.*, a signed sworn statement in the presence of an attorney or notary public, that he or she submitted the required proof. In the present matter, the appellant submitted a sworn and notarized copy of her driver's license and Families First EBT card, and a notarized statement that she had submitted such proof. Considered in their totality and in the interest of equity, these documents satisfy the affidavit requirement. Accordingly, the appellant has satisfied her burden of proof.

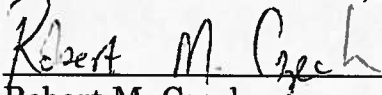
The Commission must emphasize that the remedy provided by this decision is limited to the unique facts of this case and should not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's examination be graded and if she achieved a passing score, her name added to the Entry Level Law Enforcement Examination (S9999R) eligible list for prospective employment opportunities only.

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 3rd DAY OF JUNE, 2015



Robert M. Czech

Chairperson

Civil Service Commission

**Inquiries
and
Correspondence**

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

c. **Melisa Baker
Kelly Glenn
Dan Hill**