



B-4

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Nour Kanaan,  
Correction Officer Recruit (S9988R),  
Department of Corrections

CSC Docket No. 2016-702

List Removal

ISSUED: **SEP 17 2015** (LDH)

Nour Kanaan appeals the attached decision of the Division of Agency Services (DAS), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9988R), Department of Corrections eligible list on the basis of his failure to complete pre-employment processing.

The appellant took the open competitive examination for Correction Officer Recruit (S9988R), achieved a passing score and was ranked as a non-veteran on the subsequent eligible list. The eligible list promulgated on May 23, 2013 and expired July 22, 2015.<sup>1</sup> The appellant's name was certified to the appointing authority on August 8, 2014. The appointing authority e-mailed the appellant on September 18, 2014 notifying him to appear on September 30, 2014 for pre-employment processing. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of his failure to appear for pre-employment processing on September 30, 2014. As a result, the appellant's name was removed from the subject eligible list. The appellant appealed and DAS upheld his removal.

<sup>1</sup> In *In the Matter of Correction Officer Recruit (S9988R), Department of Corrections* (CSC, decided June 3, 2015), the Commission extended the subject eligible list until the new list for Correction Officer Recruit promulgated on July 23, 2015.

On appeal to the Civil Service Commission (Commission), the appellant states that he never received the e-mail notifying him of his pre-employment processing appointment. In addition, the appellant submits a sworn notarized statement under oath stating that he did not receive any e-mail regarding the September 30, 2014 date for pre-employment processing.

In response, the appointing authority asserts that it stands with its original decision to remove the appellant from the subject eligible list. Specifically, the appointing authority maintains that it sent a September 18, 2014 e-mail scheduling the appellant for pre-employment processing to the same e-mail address from which the appellant had sent his response to the Notice of Certification. In support, the appointing authority submits, *inter alia*, a copy of the e-mail correspondence between the appellant and the appointing authority that outlined the Pre-Employment Processing Orientation date of September 30, 2014.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)11 allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *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 from an eligible list was in error.

In the instant matter, the appointing authority removed the appellant's name from the subject eligible list on the basis that he did not appear for pre-employment processing. However, the appellant maintains that he never received the appointing authority's e-mail notifying him of his scheduled date for pre-employment processing. Furthermore, the appellant submits a sworn notarized statement that he did not receive any notice of a date to appear for pre-employment processing for the subject title. *See In the Matter of Salena Bradley* (CSC, decided July 16, 2014) (Commission restored appellant's name to the Correction Officer Recruit (S9988R) eligible list as she submitted a sworn notarized statement that she had not received the e-mail from the Department of Corrections notifying her of the date she was to appear for pre-employment processing). Accordingly, under these circumstances, the appellant has met his burden of proof in this matter and the appointing authority has not shown sufficient justification for removing his name from the Correction Officer Recruit (S9988R), Department of Corrections eligible list.

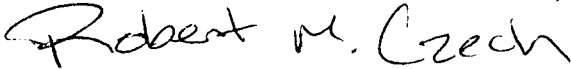
### ORDER

Therefore, it is ordered that this appeal be granted and the list for Correction Officer Recruit (S9988R), Department of Corrections be revived in order for the

appellant to be considered for appointment at the time of the next certification 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 16<sup>th</sup> DAY OF SEPTEMBER, 2015



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: Nour Kanaan  
Elizabeth Whitlock  
Kenneth Connolly  
Jennifer Rodriguez



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Robert M. Czech  
Chair/Chief Executive Officer

July 2, 2015

NOUR A. KANAAN

**Title:** CRRECTN OFCR RCRUT JUVNL  
**Symbol:** S9988R  
**Jurisdiction:** COA  
**Certification Number:** JU13D01  
**Certification Date:** 05/23/13

**Initial Determination:** D6: Removed – Did not appear/complete pre-employment process

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. 4A:4-6.1(a) 4*, which permits the disqualification of an eligible candidate's name from the eligible list when one has failed to pass preliminary examination procedures.

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 (DARA) 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 DARA. 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,

Karavi Patel  
For Wilma Rodriguez, Supervisor  
Agency Services

c: James Mulholland