



STATE OF NEW JERSEY

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

In the Matter of Francois Larmony,
Fire Fighter (M1540T), Irvington

CSC Docket No. 2018-3386

Examination Appeal

ISSUED: October 22, 2018 (RE)

Francois Larmony requests that he be permitted to amend his residency on his application after closing date for the open-competitive examination for Fire Fighter (M1540T), Irvington. The appellant scored a final average of 84.890 and currently ranks 652.

The record establishes that appellant filed an application for the Fire Fighter (M9999T) examination in August 2015. On his application, the appellant listed an Irvington mailing address but indicated a residency code of Livingston Township (0710). It is noted that the residency code for Irvington is (0709). On appeal, the appellant indicates that he had not been notified or rejected for appointment for Irvington, and he looked into the matter. He was informed that he used the wrong four-digit code, and he requests to have the code changed and he be considered a resident of Irvington. He submits a copy of his driver's license, paycheck stub dated October 2015, and jury duty pay stub dated March 31, 2015, each with his Irvington address.

CONCLUSION

N.J.A.C. 4A:4-2.11(e) states that, unless otherwise specified, residency requirements shall be met by the announced closing date for the examination. *N.J.A.C.* 4A:4-2.11(h) states that the applicant shall have the burden of proving his or her residence. *N.J.A.C.* 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date. *N.J.A.C.* 4A:2-1.1(b) states that, unless a different time period is stated, an appeal must be filed within 20 days

after either of the appellant has notice or should reasonably have known of the decision, situation or action being appealed.

At the outset, the subject examination had a residency scope for each jurisdiction for the (M9999T) candidate pool, and candidates were required to be residents of those specific scopes on the closing date, August 31, 2015. On the application, candidates had to choose a four-digit municipality code to indicate the municipality in which they resided, and the appellant chose Livingston Township (0710), while the code for Irvington was one number off (0709). The list for (M1540T), Irvington has been certified twice since it was issued, once in May 2016 and again in March 2018. The second certification exhausted the residents of Irvington, and the end of the list included non-residents to rank 310.

Thus, although this error occurred in August 2015, the appellant may not have known of this error until recently and his appeal will not be dismissed as untimely. It is reasonable that, using a dropdown menu on the computer, the appellant selected an incorrect residency code, the one below Irvington. As a result of this error, the appellant has been listed on the eligible list as a non-resident rather than as a resident. Nonetheless, his address has not changed since 2015, and the appellant provides evidence that he resided at this address at the closing date. As such, the appellant's residency status should be changed on the eligible list for (M1540T), Irvington, from non-resident to resident, for prospective appointment only, due to candidate error.

ORDER

Therefore, it is ordered that this request be granted, and the appellant's name be restored to residency status of Irvington on the eligible list for (M1540T) for prospective appointment 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 17th DAY OF OCTOBER, 2018



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