



STATE OF NEW JERSEY

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

In the Matter of Ahmad Jones, Fire
Fighter (M1540T), Irvington
Township

List Removal Appeal

CSC Docket No. 2018-2889

ISSUED: DECEMBER 10, 2018 (ABR)

Ahmad Jones appeals his removal from the Fire Fighter (M1540T), Irvington Township (Irvington) eligible list on the basis of a falsified application.

The appellant took the open competitive examination for Fire Fighter (M1540T), Irvington which had a closing date of August 31, 2015, achieved a passing score and was ranked as a non-veteran on the subsequent eligible list. The eligible list promulgated on March 11, 2016 and expires on March 10, 2019. The appellant’s name was certified to the appointing authority on May 5, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis of a falsified application. Specifically, the appointing authority indicated that the appellant failed to disclose all of the suspensions in his driving record on his pre-employment application, dated August 26, 2016. In support, it submitted a copy of the pertinent section of his pre-employment application and a copy of a Certified Complete Driver’s Abstract (Complete Abstract) dated October 4, 2016, which was furnished by the appellant. In the pre-employment application, Question 60 asked “[h]as your driving privileges/license ever been suspended or revoked,” and stated “[i]f ‘Yes’ [p]rovide information below for *EACH & EVERY* occurrence.” The appointing authority indicated that the appellant selected “yes” and wrote “motor vehicle tickets” without elaboration. The Complete Abstract stated that the appellant’s driver’s license was suspended from January 7, 2005 to February 16, 2005; from October 2, 2005 to October 12, 2006; from December 24, 2006 to October 12, 2007; from June 15, 2008 to July 14, 2008; and from October 8, 2008 to April 6, 2009.

On appeal, the appellant contends that he did not falsify his pre-employment application, as he complied with the instructions, which only required him to report “violations during a particular time frame” and did not ask him “to go 15 years into the past for answers.” He argues that he “should not be defined by the thoughtless actions of the 17-year-old boy [he] used to be.” He indicates that he did not disclose any infractions from his teenage years because he, as a 33-year-old, was unable to recall details of those incidents without a Complete Abstract. He submits that he had requested the Complete Abstract from the Motor Vehicle Commission, but only received a driver’s abstract which showed infractions within the last five years because the Complete Abstract was “only available for official court purposes.”

In response, the appointing authority reiterates its arguments. In support, it also submits a copy of its Probationary Firefighter Investigation Report (Background Report) on the appellant dated September 21, 2016.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Commission to remove an eligible’s name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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 his or her name from an eligible list was in error.

In the instant matter, the record fails to support the appointing authority’s removal of the appellant’s name from the subject eligible list. The appointing authority has submitted copies of the appellant’s pre-employment application and, contrary to the appellant’s assertion, the application required the appellant to provide information with regard to “each & every” driving privilege/license suspension and revocation. The appellant wrote only “motor vehicle tickets” without specifying the number of suspensions or the reason for each suspension.¹ Although this initial disclosure was clearly insufficient, the appellant cured this deficiency prior to the disposition of the subject certification by providing the appointing authority with the Complete Abstract, which detailed his history of suspensions. Furthermore, the appointing authority does not appear to argue that the appellant’s driving record itself warrants the removal of the appellant’s name

¹ Although the appellant seems to suggest that he did so because he only received a five-year abstract, it is emphasized that a candidate is responsible for the completeness and accuracy of their application. See e.g., *In the Matter of Harry Hunter* (MSB, decided December 1, 2004). In this regard, the Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D’Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate’s name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant.

from the subject eligible list. Accordingly, the appellant has met his burden of proof in this matter and the appointing authority has not shown sufficient cause for removing the appellant's name from the Fire Fighter (M1540T), Irvington eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and that the appellant's name be restored to the Fire Fighter (M1540T), Irvington Township eligible list.

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 5TH DAY OF DECEMBER, 2018



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