



*N.J.A.C.* 4A:4-1.10(c) provides that the Commission may order a retroactive appointment date due to an administrative error, administrative delay or other good cause.

### CONCLUSION

In the instant matter, there is no basic factual dispute but, rather, the central issue involves effectuating the appointment of Mandriota. Mandriota has been performing the duties of Fire Officer 1 since July 2016 and was the next highest-ranking eligible on the subject list. Thus, he was reachable under the “rule of three” in accordance with *N.J.A.C.* 4A:4-4.8 had he been on the earlier certification. Under these circumstances, good cause exists to give Mandriota a permanent appointment retroactive to July 12, 2016, and he shall be considered to have commenced his working test period starting on this date.

### ORDER

Therefore, it is ordered that the request be granted, and Michael Mandriota be provided with a permanent appointment as Fire Officer 1, effective July 12, 2016. Mandriota’s personnel record should be amended in accordance with this decision.

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 15th DAY OF AUGUST, 2018



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