



**STATE OF NEW JERSEY**

In the Matter of Robert Merrill, III,  
Sheriff's Officer (S9999U), Union  
County Sheriff's Office

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

CSC Docket No. 2019-1288

List Removal Appeal

**ISSUED: FEBRUARY 8, 2019 (SLK)**

Robert Merrill, III, appeals his removal from the eligible list for Sheriff's Officer (S9999U), Union County Sheriff's Office for failing to complete pre-employment processing.

The appellant took the open competitive examination for Sheriff's Officer (S9999U), achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant failed to complete pre-employment processing. Specifically, the appointing authority indicated that the appellant failed to provide his Experian credit report and his Rutgers University transcript as required.

On appeal, the appellant indicates that he did in fact order his Rutgers University transcript and had it directly delivered to the appointing authority. He states that he is again requesting that his college transcripts be sent to the appointing authority and that a copy be sent to him as well so that he can hand deliver it. Concerning the Experian credit report, he states that at the time he submitted his application, he could not acquire a credit report because he did not have a credit history at that time. He indicates that he submitted a statement from Experian with his application stating that no credit history was available for him. The appellant indicates that he recently purchased a vehicle and, since he now has a credit history, he has forwarded his Experian credit report to the appointing authority.

Although given the opportunity, the appointing authority did not respond.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)11 allows the Civil Service Commission (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 his name from an eligible list was in error.

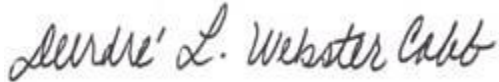
A review of the record indicates that the appointing authority's request to remove the appellant's name from the subject eligible list on the basis of his failure to complete preemployment processing was not justified. In this regard, the appellant presents that he did have Rutgers directly send his college transcript to the appointing authority. Further, the appellant explains that at the time he submitted his application, he could not submit a credit report from Experian as he did not have any credit history at that time. He states that he submitted a letter with his application from Experian that explained this. Moreover, the appointing authority has not responded to this appeal. Accordingly, the appellant has met his burden of proof, and the appointing authority has not shown sufficient justification for removing his name from the subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be granted and Robert Merrill, III's name be restored to the eligible list (S9999U) 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 6<sup>th</sup> DAY OF FEBRUARY, 2019



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Chairperson  
Civil Service Commission

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c: Robert Merrill, III  
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