



**STATE OF NEW JERSEY**

In the Matter of Samuel Felix,  
Fire Fighter (M1545T),  
Kearny

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

CSC Docket No. 2019-445

List Removal

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

Samuel Felix appeals the removal of his name from the Fire Fighter (M1545T), Kearny, eligible list based on his failure to complete pre-employment processing.

The appellant took the open competitive examination for Fire Fighter (M1545T), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on November 13, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list indicating that the appellant did not list his complete residency history on the employment application. In support, the appointing authority provides a copy of the employment application. The employment application indicates that the appellant listed his residency history back to 2000, but did not list any residences prior to that time. The appointing authority also indicated that the appellant did not provide a copy of his 2015 tax information as requested.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he completed his application and pre-employment processing and, as such, his name should be restored to the list.

Despite being provided with the opportunity, the appointing authority did not provide any other information or arguments in support of its claims in this matter.

## 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 individual from an eligible 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:4-4.7(a)11 allows the removal of 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 or her name from an eligible list was in error.

In this matter, the appellant was removed from the list for failure to complete pre-employment processing by not providing complete information on his pre-employment application. In this regard, the appointing authority submits a copy of the employment application and indicates that the appellant's residency history is incomplete. A review of the application confirms this claim as the appellant provides no residency information from his date of birth to 2000. The appointing authority also argues that the appellant did not provide a copy of his 2015 tax information, which the appellant does not dispute. Since there is no substantive information to show that the appellant provided a copy of his 2015 tax returns to the appointing authority, there is a sufficient reason to remove the appellant's name from the list. The appellant initialed question 14 on page 38 of the employment application indicating that he had provided two years of income tax returns. However, there is no substantive evidence to show that the appellant submitted such information. Based on the above, it is clear that the appellant did not properly complete the employment application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Fire Fighter, to ensure that his employment application is a complete and accurate depiction of his history. 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 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. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his or her peril. *See In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

In this matter, the information the appellant failed to disclose is considered material and should have been accurately indicated on his employment application and provided as requested. The information that the appellant failed to disclose/provide is relevant to the position sought, as such information is crucial for

the appointing authority to conduct a background investigation during the appointment process. As such, the omissions are sufficient cause to remove his name from the eligible list. Accordingly, the appointing authority has presented sufficient cause to remove the appellant's name from the Fire Fighter (M1545T), Kearny eligible list.

**ORDER**

Therefore, it is ordered that this appeal be denied.

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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