



**STATE OF NEW JERSEY**

In the Matter of Aliyah Patrick,  
Correctional Police Officer (S9988U),  
Department of Corrections

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

CSC Docket No. 2019-2106

List Removal Appeal

**ISSUED: APRIL 22, 2019** (JET)

Aliyah Patrick appeals the removal of her name from the Correctional Police Officer (S9988U), Department of Corrections, eligible list.

The appellant took the open competitive examination for Correction Officer Recruit (S9988U),<sup>1</sup> achieved a passing score, and was ranked on the subsequent eligible list. The appellant’s name was certified on March 31, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant’s name from the eligible list on the basis of an unsatisfactory criminal record and falsification of her employment application. Specifically, the appointing authority asserted that on May 22, 2003, the appellant was charged with Simple Assault – Bodily Injury in violation of *N.J.S.A. 2C:12-1a* (dismissed), which was disposed of by a diversionary program that the appellant completed. In addition, the appellant was charged on February 7, 2008 with Shoplifting – Retail Value Less than \$200 – in violation of *N.J.S.A. 2C:20-11c(4)* (dismissed). The appointing authority also alleged that the appellant failed to disclose these charges on her employment application.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she was not arrested as a juvenile or as an adult. The appellant explains that the appointing authority’s background check should not have reflected

<sup>1</sup> It is noted that the Correction Officer Recruit (S9988U), Department of Corrections eligible list promulgated on March 30, 2017 and expired on March 29, 2019. It is also noted that in accordance with P.L. 2017, c.293, Correction Officer Recruit has been renamed Correctional Police Officer effective May 1, 2018.

that she was arrested. Moreover, the appellant contends that she previously worked for various government and non-profit organizations that required her to undergo background checks, and she would not have obtained such positions if she possessed an unsatisfactory criminal background.<sup>2</sup>

In response, the appointing authority maintains that the appellant's name should be removed from the eligible list. Specifically, the appointing authority asserts that the appellant was charged in 2003 with Simple Assault and in 2008 with Shoplifting, which she did not disclose on the employment application as required. The appointing authority states that the appellant's failure to disclose such information in response to the questions on the employment application was sufficient to remove her name from the list. Further, the appointing authority states that a review of the appellant's fingerprint record revealed that she was arrested and charged with the above listed incidents. Moreover, the appointing authority asserts that its goals are to select candidates who exhibit respect for the law in order to effectively manage the day-to-day operations of a prison system.

## 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)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows for the removal an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for an appointment.

In the instant matter, the appointing authority argues that the appellant did not disclose on the employment application that she was charged with Shoplifting and with Simple Assault. The appellant argues that she does not have an arrest record. However, as more fully explained below, 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 Correctional Police Officer, to ensure that her employment application is a complete and accurate depiction of her 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

---

<sup>2</sup> The appellant did not name the government agencies where she worked or provide any evidence to show that she does not have an arrest record.

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 case, the appellant's omissions are sufficient cause to remove her name from the eligible list. The appellant's contention that she was not arrested is unpersuasive since the appointing authority provided copies of her arrest record. Therefore, it is clear that she failed to disclose information in her background in response to the questions in the employment application. In this regard, Page 18 of the application, under the Arrest History section, states that the word "arrest" includes any "detaining, holding, or taking into custody by police or any other law enforcement agency," in this or any other state or foreign country whether adult or juvenile. You must include all charges regardless if discharged under any diversion program or dismissed. The word "charge" includes any "indictment, complaint, summons, and information" or other notice of the alleged commission of any "offense" in this or any other state or foreign country even if it did not result in your physical arrest. The Arrests, Convictions, Summonses, and Expunged Records section on page 18 states that, for the purpose of this question the words "arrest," "indictment," and "charge" include any questioning, detaining, holding, or being taken into custody by any police or other law enforcement agencies, whether juvenile or an adult. In response to question 46 on the employment application, "Have you ever been arrested, indicted, charged with or convicted of a criminal, sexual, or disorderly persons offense in this State or any other jurisdiction as a juvenile or an adult," the appellant marked "No" and wrote N/A. The appellant also wrote N/A in response to the question on page 19 of the employment application. In response to the Arrests, Summonses, etc. section on page 20 - "must include expungements, conditional discharges or juvenile diversions on this application. Such disclosure is for law enforcement purposes only. Also include all juvenile expungements" – the appellant wrote N/A for questions 47 through 52.

Everything must be disclosed on the application regardless of the outcome of such matters. The appellant initialed the employment application. As such, she was aware of the instructions. However, in response to the instruction on page 18, "You must provide certified disposition paperwork from each court regarding all charges listed below," the appellant marked "n/a." The type of omissions presented are clearly significant and cannot be condoned as such information is crucial in an appointing authority's assessment of a candidate's suitability for the position. Moreover, the appellant has not provided any substantive information to refute that she was not arrested.

The information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on her employment

application. In conclusion, the appellant's arrest history is material information that she should have accurately provided on her application, and the failure to do so constituted falsification of her employment application. The appellant's failure to disclose the information is indicative of her questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. In this regard, the Commission notes that a Correctional Police Officer is a law enforcement employee who must help keep order in the State prisons and promote adherence to the law. Correctional Police Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). The public expects prison guards to present a personal background that exhibits respect for the law and rules. Therefore, there is sufficient basis to remove the appellant's name from the eligible list.

Since the appellant's name has been removed on the basis of falsification of the employment application, it is unnecessary to address the issue pertaining to her background report.

### 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 17<sup>th</sup> DAY OF APRIL, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher Myers  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Aliyah Patrick  
Veronica Tingle  
Elizabeth Whitlock  
Kelly Glenn