



**STATE OF NEW JERSEY**

In the Matter of Jasmine Bussey,  
Correctional Police Officer (S9999A),  
Department of Corrections

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

CSC Docket No. 2022-891

List Removal Appeal

**ISSUED: FEBRUARY 7, 2022(SLK)**

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Jasmine Bussey appeals the decision to remove her name from the Correctional Police Officer (S9999A), Department of Corrections eligible list on the basis of an unsatisfactory driving record and falsification of the employment application.

The appellant took the open competitive examination for Correctional Police Officer (S9999A), Department of Corrections, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. Her name was certified (S20A01) and she was ranked as the 5993<sup>th</sup> candidate. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory driving record and falsified her application. Specifically, the appointing authority’s background report indicated that she failed to appear in court two times within seven years of the promulgated Civil Service list. Additionally, it indicated that in response to questions 46, 48, and 49 on the application, the appellant failed to disclose two juvenile charges including an August 2008 simple assault charge in Willingboro, which resulted in her completing a one-year diversion program, and a May 2010 simple assault charge in Lumberton. Also, she failed to disclose April 2013 and July 2015 harassment charges in Lumberton.

On appeal, the appellant states that there were logical explanations as to why she missed court dates such as the notices of the court dates being sent to the wrong address or her children being sick. Regarding her failure to disclose charges, she indicates that she did not know she needed to disclose any charges before the age of 18 or that she “had to indicate anything that she was not charged with and having added to my record.” The appellant admits that when she was younger she had a few

altercations. She presents that she has four children between the ages two and 12 and she is trying to do what she can to have a better life for her children. The appellant requests a second chance so that she can obtain her dream job as a Correctional Police Officer.

In reply, the appointing authority presents that the appellant provides no paperwork to support her statements regarding why she failed to appear in court. Further, although she states that she did not realize that she had to provide information concerning anything before she was 18, it highlights that question 46 on the application asks, "As a juvenile, have you ever had any police contact, been taken into custody, received a summons complaint(s) or charged with a Juvenile Delinquency?" and she answered "no." Additionally, the appointing authority presents that she answered "no" to question 48 which asked, "Since the age of 18 years, have you ever received a summons complaint, been arrested, indicted or convicted for any violation of the law, including fish and game laws? Include disorderly persons, petty disorderly persons offense, city, borough or county ordinances/violations..." However, it indicates that the appellant failed to disclose 2008 and 2010 simple assault charges, 2013 and 2015 harassment charges, and a 2017 disturbing the peace charge.<sup>1</sup>

## 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 Civil Service Commission (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.

Further, 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.

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove 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 appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle

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<sup>1</sup> It is noted that the 2017 disturbing the peace charge was not listed on the appointing authority's letter to the appellant explaining why she was removed from the list. However, the appellant was notified on appeal that this charge was also omitted from her application.

infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

*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 record indicates that the appellant failed to disclose five charges for violation of law that were issued against her. The appellant explains that she failed to disclose her juvenile charges because she did not realize that she had to disclose charges before she was 18 years old. However, a review of question 46 on the application clearly indicates that she was asked to disclose juvenile charges and candidates are held accountable for the accuracy of the information submitted and any failure to include information was at her peril. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Additionally, the appellant offers no reasonable explanation for her failure to disclose charges after the age of 18. Therefore, even if there was no intent to deceive, in light of the appellant's negative interactions with the law, including a charge as recently as 2017, which is less than two years prior to the August 31, 2019 closing date, the appellant's failure to disclose all charges was material. At minimum, the appointing authority needed this information to have a complete understanding of her background to properly evaluate her candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Regarding the appellant's failures to appear in court, she provides no documentation to support her explanations.<sup>2</sup> In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must help keep order in the 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 Correctional Police Officer to present a personal background that exhibits respect for the law and rules. Accordingly, the Commission finds that the appellant's removal from the list was proper for all the reasons set forth above, and the appellant failed to meet her burden of proof.

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<sup>2</sup> The Commission notes that had the appellant's background **only** shown the two failures to appear infractions, with reasonable explanations, such a background would be insufficient for removal from the list. However, the appellant has not provided reasonable explanations, nor has she met her burden of proof regarding the falsification of her application.

**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 2<sup>ND</sup> DAY OF FEBRUARY 2022

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Jasmine Bussey  
Xaymara Castro  
Division of Agency Services