



**STATE OF NEW JERSEY**

In the Matter of Thomas McCabe,  
Police Sergeant (PM4505C), Atlantic  
City

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

CSC Docket No. 2022-1040

Administrative Appeal

**ISSUED: (ABR)**

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Thomas McCabe requests permission to file a late application for the promotional examination for Police Sergeant (PM4505C), Atlantic City.

By way of background, the subject examination was announced on October 1, 2021 with an application filing deadline of October 21, 2021, and all applications had to be received by 4:00 p.m. on that date. The subject examination has not yet been administered.

The petitioner, in support of his request, states that the appointing authority incorrectly advised him that the application deadline was 11:59 p.m. on Thursday, October 21, 2021. He avers that he should be given an opportunity to submit a late application based upon this error, particularly as his attempt to file an application between 4:30 p.m. and 5:15 p.m. on Thursday, October 21, 2021, was well before the 11:59 p.m. deadline he believed was in effect. In support, he submits a copy of an October 1, 2021, email from the appointing authority which stated that the filing deadline for the subject examination would be October 21, 2021 at 11:59 p.m.

**CONCLUSION**

*N.J.A.C.* 4A:4-2.6(a)4 provides that applicants for promotional examinations shall submit an application on or before the announced application filing date. This provision is necessary for Agency Services to properly process the voluminous applications it receives for various examinations. *See In the Matter of Andrew Romeo* (MSB, decided September 22, 2004). *N.J.A.C.* 4A:4-2.1(e) states that unless otherwise provided for by the Chairperson or designee, applications for open competitive and

promotional examinations shall be submitted to the Civil Service Commission no later than 4:00 p.m. on the announced application filing date.

In the instant matter, applications for the subject promotional examination were due by the application filing deadline of October 21, 2021. Although the petitioner maintains that he relied upon the appointing authority's erroneous statement that the filing deadline for the subject examination was 11:59 p.m., it is noted that the appointing authority included a copy of the announcement for the subject examination with the email it sent to employees on October 1, 2021. The announcement issued by this agency for the subject examination stated, in relevant part, that “[a]pplications must be completed by 4:00PM on the application deadline date” (emphasis in original). Given that *N.J.A.C.* 4A:4-2.1(e) and the announcement for the examination both indicated that 4:00 p.m. was the filing deadline for the subject examination and the fact that the appointing authority appears to have provided a copy of the examination announcement with its October 1, 2021 email, the Commission finds that the petitioner had sufficient notice that the filing deadline for the subject examination was 4:00 p.m. on October 21, 2021. At the very least, the discrepancy between the application deadline time stated in the body of the appointing authority's October 1, 2021 email and the announcement attached to it should have alerted the petitioner that he should confirm the correct application deadline time. Moreover, it does not appear that the misstatement in the email sent by the appointing authority caused any widespread issues, as 102 Police Officers with Atlantic City successfully applied for the PM4505C examination and the petitioner is the only individual who has asserted that this issue with the appointing authority's email caused him to fail to timely submit an application for the subject examination. Moreover, the petitioner has not indicated any reason for him waiting until the final day of the three-week filing period to attempt to apply for the examination. Accordingly, based upon the foregoing, there is not a sufficient basis to relax the above-noted requirement.

### 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 16<sup>TH</sup> DAY OF FEBRUARY, 2022

*Deirdre L. Webster Cobb*

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Deirdré L. Webster Cobb  
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