



STATE OF NEW JERSEY

In the Matter of Christian Posso,  
Police Officer (S9999A), Elizabeth  
Police

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-747

List Removal Appeal

ISSUED: May 2, 2022 (HS)

Christian Posso appeals the removal of his name from the eligible list for Police Officer (S9999A), Elizabeth Police on the basis of falsification of the preemployment application.

The appellant, a non-veteran, took and passed the open competitive examination for Police Officer (S9999A), which had a closing date of August 31, 2019. The resulting eligible list promulgated on May 15, 2020 and expires on May 14, 2023.<sup>1</sup> The appellant’s name was certified to the appointing authority on April 15, 2021. In disposing of the certification, the appointing authority requested the removal of the appellant’s name due to falsification of his preemployment application. Specifically, the appointing authority asserted that the appellant failed to disclose that his driver’s license had been suspended between August 18, 2009 and August 26, 2009. In support, the appointing authority submitted a copy of the appellant’s certified driver abstract dated May 6, 2021 and portions of the appellant’s preemployment application pertaining to “Legal/Motor Vehicle History Information.”

On appeal to the Civil Service Commission (Commission), the appellant maintains, among other things, that he had given the appointing authority a copy of his certified driver abstract. In support, he submits a copy of his certified driver

<sup>1</sup> The list was extended one year to May 14, 2023.

abstract dated April 26, 2021, which includes the suspension that the appellant was asserted to have omitted.

Despite the opportunity, the appointing authority did not submit any further arguments.<sup>2</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 Commission to remove an eligible's name from an eligible list when he 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:4-6.3(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 in this matter fails to support the removal of the appellant's name from the subject eligible list on the basis of a falsified preemployment application. The appointing authority maintained that the appellant did not disclose on his preemployment application that his driver's license had been suspended between August 18, 2009 and August 26, 2009. However, on appeal, the appellant maintains that he provided the appointing authority with a copy of his certified driver abstract and submits a copy of his certified driver abstract dated April 26, 2021, which includes the suspension that the appellant was asserted to have omitted. Since the appointing authority has not contested the appellant's claim, the Commission will credit the appellant's claim that he provided the appointing authority with a copy of his certified driver abstract that included the pertinent suspension. Therefore, while the appellant may not have written out that information on the preemployment application, he did provide all the material facts relevant for the appointing authority to review his candidacy and therefore did not falsify his application. *See In the Matter of Lance Williams* (CSC, decided May 7, 2014); *In the Matter of Julio Rivera* (MSB, decided February 11, 2004). Accordingly, there is not a sufficient basis to remove the appellant's name from the subject eligible list.

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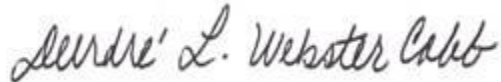
<sup>2</sup> It is also noted that the Commission received no evidence that the appointing authority provided the appellant with a copy of all documents and arguments upon which it based its request to remove his name from the eligible list when it disposed of the certification. *See N.J.A.C.* 4A:4-4.7(b)1 ("Upon request of the eligible or upon the eligible's appeal, the appointing authority shall provide the eligible with copies of all materials sent to the appropriate Commission representative").

**ORDER**

Therefore, it is ordered that this appeal be granted and Christian Posso's name be restored to the eligible list for Police Officer (S9999A), Elizabeth for prospective employment opportunities.

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 27<sup>TH</sup> DAY OF APRIL 2022



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