



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of William Moore III,  
Police Sergeant (PM4505C),  
Atlantic City

Examination Appeal

CSC Docket No. 2022-2384

ISSUED: May 2, 2022 (RE)

William Moore III appeals the denial of his request for a make-up examination for Police Sergeant (PM4505C) Atlantic City.

The appellant was originally scheduled to take the subject examination on February 26, 2022. He submitted a make-up request received February 23, 2022 due his attendance at a funeral for a family member on February 26, 2022. The appellant submitted an obituary wherein he was not listed. The Division of Administrative Services (Administrative Services) denied this request as it did not meet that criteria listed in *N.J.A.C. 4A:4-2.9(a)*. In particular, Administrative Services denied his makeup request since the death was not of an immediate family member. It is noted that 98 candidates were admitted, the examination has been held, but the results are not yet available.

On appeal, the appellant responded with medical documentation. Specifically, he submitted a Medical Authorization form dated March 3, 2022 from a physician who indicates that the appellant has a condition precluding his attendance on the examination date. The physician is not yet certain of an estimated date on which the appellant can take the examination. The appellant explains that he has been out of work since December 2021.

*N.J.A.C. 4A:4-2.9(c)* provides, in pertinent part, that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination;
2. Death in the candidate's immediate family as evidenced by a copy of the death certificate;
3. A candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation;
4. When required for certain persons returning from military service (see N.J.A.C. 4A:4-4.6A); or
5. Error by the Civil Service Commission or appointing authority.

*N.J.A.C.* 4A:1-1.2(c) sets forth that a rule may be relaxed for good cause in a particular situation.

### CONCLUSION

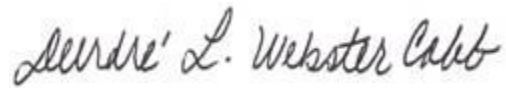
The record establishes that the appellant was scheduled to take the examination on February 26, 2022 and did not do so. The original documentation supplied by the appellant did not indicate that there was a death in the appellant's immediate family, although the documentation indicates that the funeral was held at the same date and time. Additionally, the appellant has since provided valid medical documentation indicating why his medical condition precluded his participation in the examination. Although the circumstance of this matter does not fit precisely within the parameters of the rule, it is clearly evident that appellant had a compelling medical reason to miss the examination. Given these unique circumstances, the criteria of *N.J.A.C.* 4A:4-2.9(c) should be relaxed and the appellant be given a make-up examination for prospective appointment only.

### ORDER

Therefore, it is ordered that this appeal be granted, and the appellant be scheduled for a make-up examination. In so doing, the remedy provided herein is for prospective appointment only, is limited to the facts of this case, and may not be used as precedent in any other proceeding.

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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