



**STATE OF NEW JERSEY**

In the Matter of Dennis J. Anderson,  
Correctional Police Officer (S9999A),  
Department of Corrections

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

CSC Docket No. 2022-629

List Removal Appeal

**ISSUED: JUNE 20, 2022 (SDW)**

Dennis J. Anderson appeals the removal of his name from the eligible list for Correctional Police Officer (S9999A), Department of Corrections on the basis that he failed to complete pre-employment processing.

The appellant, a non-veteran, took and passed the open-competitive examination for Correctional 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. Thereafter, the appellant's name was certified to the appointing authority. In disposing of the certification, the appointing authority removed the appellant's name on the basis that he failed to complete pre-employment processing. Specifically, the appointing authority maintained that the appellant was given a rescheduled appointment date of August 17, 2021 but failed to keep that appointment.

On appeal, the appellant indicates that he was originally scheduled for July 29, 2021, but as he did not have a blazer, he was rescheduled for August 17, 2021. The appellant maintains that on the morning of August 16, 2021 he requested that he be rescheduled as his fiancée was having heart complications and he would be unable to appear. In support, he submits a sworn notarized statement attesting to

the foregoing. He also submits the August 16, 2021 email he sent to the appointing authority.

In response, the appointing authority argues that the appointment notice specifies that if the date was a “rescheduled” date, then the candidate would not be rescheduled further. Additionally, the appointing authority maintains that the appellant never stated “he had an emergency,” and he did not provide it with any medical documentation of an emergency.

### CONCLUSION

*N.J.A.C. 4A:4-4.7(a)6* provides that an eligible’s name may be removed from a list for “non-compliance with the instructions listed on the notice of certification.” *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 the eligible list was in error.

In the instant matter, the appointing authority requested the removal of the appellant’s name from the subject eligible list on the basis of he failed to complete pre-employment processing on August 17, 2021 as he had requested that his appointment be rescheduled. The appointing authority maintains that it only reschedules candidates once, and the appellant had already been rescheduled. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that he had a family medical emergency on the day of his appointment, and that he had requested that the appointment be rescheduled the morning of August 16, 2021. Moreover, although the appointing authority maintains that the appellant did not provide it with proof of an emergency or any medical documentation, the Commission must note that there is no indication in the record that the appointing authority requested such documentation or even responded to the appellant’s request. Further, as previously noted, on appeal the appellant presents a sworn, notarized statement attesting that there was a family medical emergency that required his presence on August 17, 2021. Thus, it is appropriate that the appellant’s name be restored to the subject eligible list for prospective employment opportunities only.

### ORDER

Therefore, it is ordered that this appeal be granted, and the appellant’s name be restored to the subject eligible list for prospective employment opportunities only.

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 15<sup>TH</sup> DAY OF JUNE 2022

*Deirdre L. Webster Cobb*

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