

and English as of the January 23, 2023 closing date. The appellant was deemed ineligible for the examination as she did not possess one year of continuous permanent service in the title of Human Services Specialist 2, Bilingual in Spanish and English as of the closing date.¹

On appeal to the Civil Service Commission (Commission), the appellant states that after her appeal of the removal of her name from the Human Services Specialist 2, Bilingual in Spanish and English (PC1384A) list was granted as of April 15, 2021, she “plead[ed] with [the appointing authority] to have [her] name restored to the . . . list, and [it] did so as of July 2022” only after she complained. The appellant seeks admittance to the Human Services Specialist 3, Bilingual in Spanish and English (PC2159E) examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides that applicants for promotional examinations must have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. Aggregate service shall be calculated in the same manner as seniority as set forth in *N.J.A.C.* 4A:4-2.15.

In this matter, the appellant was properly deemed ineligible for the subject examination as she did not possess the required one year of continuous permanent service in the title of Human Services Specialist 2, Bilingual in Spanish and English as of the January 23, 2023 closing date. In this regard, she did not receive a permanent appointment to that title until June 23, 2022. The Commission observes that the appellant has mischaracterized her restoration to the Human Services Specialist 2, Bilingual in Spanish and English (PC1384A) list. In this regard, as of April 15, 2021, *this agency* had restored her name to the list for *future* employment opportunities. Such opportunity arose when the appellant’s name was *certified from the list* on May 5, 2022 to be considered for an appointment, and she received a permanent appointment, effective June 23, 2022. It is simply inaccurate to suggest that the *appointing authority* did not restore the appellant’s name to the list until July 2022. Accordingly, the appellant has failed to meet her burden of proof in this matter, and a sufficient basis exists in the record to support Agency Services’ determination that the appellant was ineligible for the subject examination.


¹ It is noted that the appellant had initially been admitted to the examination in error. No vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O’Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998).

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 22ND DAY OF NOVEMBER, 2023



Allison Chris Myers
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