



STATE OF NEW JERSEY

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

In the Matter of Derrick Haney,
Police Officer (S9999A), Clifton

CSC Docket No. 2023-2122

List Removal Appeal

ISSUED: September 20, 2023 (VJ)

Derrick Haney appeals the decision to remove his name from the eligible list for Police Officer (S9999A), Clifton on the basis that he failed to respond to the certification notice.

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 expired on November 9, 2022.¹ The appellant’s name was certified to the appointing authority on July 7, 2022, with a notice date of July 14, 2022. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he failed to respond to the certification notice.

On appeal, Haney submits a sworn, notarized statement that he did not receive the certification notice and indicated he was having mail issues. Agency records indicate that the certification notice was returned to this agency.

Despite an opportunity to do so, the appointing authority did not submit a response.

¹ Agency records indicate that the subject eligible list was extended until the new eligible list for the title of Police Officer promulgated on November 10, 2022.

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 an eligible list was in error. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation. Additionally, *N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause.

In the instant matter, the appellant has submitted a sworn, notarized statement, attesting to the fact that did not receive the certification notice. While there is a presumption that mail correctly addressed, stamped, and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting his sworn, notarized statement. See *SSI Medical Services, Inc. v. State Department of Human Services*, 146 *N.J.* 614 (1996); *Szczesny v. Vasquez*, 71 *N.J. Super.* 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Thus, it is appropriate that the appellant's name be restored to the subject eligible. Therefore, based on the foregoing, good cause exists to revive the S9999A eligible list to restore his name for prospective employment opportunities only.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Police Officer (S9999A), Clifton, be revived in order for the appellant to be considered for prospective employment opportunities at the time of the next certification 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 20TH DAY OF SEPTEMBER, 2023

Allison Chris Myers

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Chairperson
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