



**STATE OF NEW JERSEY**

In the Matter of Lisa Ompong,  
Family Services Specialist 1  
(PS5386K), Department of Children  
and Families

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

CSC Docket No. 2023-1876

List Removal Appeal

**ISSUED:** September 20, 2023 (VJ)

Lisa Ompong appeals the removal of her name from the eligible list for Family Service Specialist 1 (PS5386K), Department of Children and Families, on the basis that she failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open competitive examination for Family Services Specialist 1 (PS5386K), which had a closing date of October 22, 2018. The resulting eligible list promulgated on August 8, 2019 and expired on January 24, 2023. The appellant’s name was certified to the appointing authority on September 9, 2022, with a notice date of September 16, 2022. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that she failed to respond to the certification notice.

In support of her appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that she did not receive a certification notice in the mail.

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

## 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 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 submits a sworn, notarized statement where she states that she did not receive the notification of certification. 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 her 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 list. Therefore, based on the foregoing, good cause exists to revive the PS5386K eligible list to restore her name for prospective employment opportunities only.

## ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Family Services Specialist 1 (PS5386K), Department of Children and Families, 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 20<sup>TH</sup> DAY OF SEPTEMBER, 2023



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