



STATE OF NEW JERSEY

In the Matter of Matthew Creedon,
Fire Fighter (M2201D), Atlantic City

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

CSC Docket No. 2024-1789

List Removal Appeal

ISSUED: August 14, 2024 (HS)

Matthew Creedon, represented by Stuart J. Alterman, Esq., appeals the removal of his name from the eligible list for Fire Fighter (M2201D), Atlantic City on the basis of an unsatisfactory driving record.

The appellant, a non-veteran, took and passed the open competitive examination for Fire Fighter (M2201D), which had a closing date of August 31, 2022. The resulting eligible list promulgated on April 28, 2023 and expires on April 27, 2025. The appellant's name was certified to the appointing authority on August 10, 2023 (OL231028). In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of an unsatisfactory driving record. Specifically, the background investigation had revealed the following violations: speeding (February 15, 2009); using handheld cell while driving (July 15, 2009); unsafe operation of motor vehicle (March 17, 2010); improper turn (February 19, 2014); failure to wear seatbelt (December 1, 2014); failure to wear seatbelt (November 15, 2016); unsafe operation of motor vehicle (January 2, 2018); careless driving (July 16, 2018); careless driving (August 21, 2018); failure to report accident (July 29, 2019); careless driving (September 14, 2019); and careless driving (November 19, 2019).

On appeal to the Civil Service Commission (Commission), the appellant requests that his name be returned to the eligible list.

In response, the appointing authority, represented by Steven S. Glickman, Esq., indicates that driving is an occupational requirement, and it was within its discretion to find that the appellant's driving history was not conducive to the position and to remove his name from the list based on his numerous violations.

In reply, the appellant concedes that his driving record is "far from perfect" but maintains that the first four of his violations should be deemed youthful indiscretions. He also offers explanations for the other violations as "mitigation," not "excuses," and notes that he has attended defensive driving programs. The appellant also states that he has changed as he is now a mature, responsible man who is engaged and a father of two small children.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment.

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.

There is no dispute that driving is an occupational requirement in this case, and thus the appellant's driving record is relevant to the position sought. This record includes multiple violations dating back to 2009. Such conduct is indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of the duties of a Fire Fighter. *See In the Matter of William Bryant, Jr.* (MSB, decided July 25, 2000).

Firefighters are not only entrusted with the duty to fight fires; they must also be able to work with the general public and other municipal employees, especially police officers, because the police department responds to every emergency fire call. Any conduct jeopardizing an excellent working relationship places at risk the citizens of the municipality as well as the men and women of those departments who place their lives on the line on a daily basis. An almost symbiotic relationship exists between the fire and police departments at a fire.

Karins v. City of Atlantic City, 152 *N.J.* 532, 552 (1998). While the appellant's efforts to improve his driving are commendable, there is not a sufficient basis for the Commission to overturn the appointing authority's determination in light of the

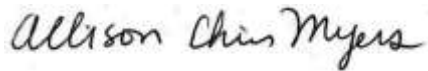
numerous violations in the appellant's history. Accordingly, there is a sufficient basis to remove the appellant's name from the subject eligible list.

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 14TH DAY OF AUGUST, 2024



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