



STATE OF NEW JERSEY

In the Matter of Juan Urena,
Sheriff's Officer (C0220D), Hudson
County

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

CSC Docket No. 2024-1348

List Removal Appeal

ISSUED: August 14, 2024 (VJ)

Juan Urena appeals the removal of his name from the eligible list for Sheriff's Officer (C0220D), Hudson County, on the basis that he did not complete preemployment processing.

The appellant, a non-veteran, took and passed the open competitive examination for Sheriff's Officer (C0220D), Hudson County, which had a closing date of February 28, 2022. The resulting eligible list promulgated on November 10, 2022 and expired on November 9, 2023. The appellant's name was certified to the appointing authority on March 14, 2023. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that he failed to complete preemployment processing.

On appeal to the Civil Service Commission (Commission), the appellant submits an email from his local United States Post Office that his preemployment package was not scanned by the carrier and therefore, no attempts were made, and he was not notified of the package. Additionally, the appellant notes that he was away for military service during his scheduled date to appear for preemployment processing.

In response, the appointing authority states that the appellant's name was removed because he did not complete preemployment processing, despite that a letter being mailed to the address he provided. In this regard, the appointing authority

presents a copy of the letter sent by certified mail, which indicated that the appellant was to complete a questionnaire by April 13, 2023 and was scheduled for preemployment process at 5 p.m. on April 19, 2023. However, the letter was returned as unclaimed.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)11 allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *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.

The appointing authority requested the removal of the appellant's name from the eligible list for Sheriff's Officer (C0220D), Hudson County, on the basis that he failed to complete preemployment processing. However, the appellant has submitted a statement from the United States Post Office, indicating that the package was not scanned by the carrier and therefore no delivery was attempted. 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 the statement from the United States Post Office. *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). Indeed, the letter was scanned improperly, and no delivery was attempted. Thus, it is appropriate that the appellant's name be restored to the subject eligible list for a prospective employment opportunity.

ORDER

Therefore, it is ordered that this this appeal be granted and the eligible list for Sheriff's Officer (C0220D), Hudson County, be revived in order for the appellant to be considered for a prospective employment opportunity 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 14TH DAY OF AUGUST, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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