



STATE OF NEW JERSEY

In the Matter of Monica Aucapina,
Sheriff's Officer (C0220D), Hudson
County

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

CSC Docket No. 2024-1435

List Removal Appeal

ISSUED: June 12, 2024 (VJ)

Monica Aucapina appeals the removal of her name from the eligible list for Sheriff's Officer (C0220D), Hudson County, on the basis that she 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 she failed to complete preemployment processing.

On appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that her "mailman has a habit of mixing mail" at her home address and that is why she did not receive the notice to complete preemployment processing. She requests an opportunity to be considered as "it was never [her] intent[ion] not to answer" the letter.

In response, the appointing authority states that the appellant's name was removed because she did not complete preemployment processing, despite that a letter was mailed to the address she provided, including the apartment number. In that 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 to appear for processing on April 20, 2023. However, the letter was 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 her 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 she failed to complete preemployment processing. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she did not receive the letter to complete a questionnaire and appear for preemployment processing. 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). Indeed, the letter came back as unclaimed. 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 12TH DAY OF JUNE, 2024

Allison Chris Myers

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Chairperson
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