



STATE OF NEW JERSEY

In the Matter of Dylan Rowell,
Fire Fighter (M2201D), Atlantic City

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

CSC Docket No. 2024-1994

List Removal Appeal

ISSUED: July 24, 2024 (PS)

Dylan Rowell, represented by Arthur J. Murray, Esq. appeals the decision to remove his name from the Fire Fighter (M2201D), Atlantic City, eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Fire Fighter (M2201D), which had an August 31, 2022, closing date, achieved a passing score, and was ranked on the subsequent eligible list. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that he had an unsatisfactory driving record. Specifically, the appointing authority asserted that the appellant's driving record reflected the following violations within the past six years: speeding, unlicensed driver, unsafe operation of a motor vehicle and two summonses for no license, registration, or insurance in possession as well as two Failures to Appear. .

On appeal, the appellant contests the removal of his name from the list of eligible candidates based on an unsatisfactory driving record and argues he has no active points on his record. He indicates that he regrets having violated the traffic laws and has sought to remedy these infractions, including taking annual safe driving courses.

In response, the appointing authority, represented by Steven Glickman, Esq., submitted the appellant's Certified Abstract of Driver History Record (Driver's Abstract) and the relevant portions of his pre-employment application. The appointing authority noted that the appellant had numerous violations within the past six years as noted previously. Further, it noted that an eligibles name may be removed from an eligible

list upon consideration that based upon a candidate's background and recognizing the nature of the position at issue a person should not be eligible for appointment.

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 Civil Service Commission (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. Additionally, the Commission at its discretion, has the authority to removal candidates from lists for public safety titles based on their driving records if such a record demonstrates a sufficiently unsatisfactory background.

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 or her name from an eligible list was in error.

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant's numerous violations within the past six years, including a speeding violation less than one year prior to the examination closing date support his removal. In this regard, the appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether he should remain eligible to be a Fire Fighter. These violations show disregard for the State laws and the exercise of poor judgment. The appellant explains that he currently has no active points on his driving record. While that is commendable, that does not negate that the appellant accrued numerous violations in a short period of time. These actions show a pattern of disregard for the law and questionable judgment on his part. Such qualities are unacceptable for an individual seeking a position as a Fire Fighter. In this regard, Fire Fighters, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). *See also In re Phillips*, 117 *N.J.* 567 (1990). The public expects Fire Fighters to present a personal background that exhibits respect for the law and rules.

Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Fire Fighter (M2201D), Atlantic City, eligible list. The Commission notes, however, with the further passage of time, and a continued clean driving record, the appellant's driving record would be insufficient reason for removal from a future Fire Fighter 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 24TH DAY OF JULY, 2024



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Arthur J. Murray, Esq.
Stuart J. Alterman, Esq.
Steven Glickman, Esq.
Division of Human Resource Information Services
Records Center