B-003



STATE OF NEW JERSEY

	: FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
In the Matter of Jennifer Castro Fire	:
Fighter (M1802W), Bayonne	:
CSC Docket No. 2024-452	: List Demonal Associ
	: List Removal Appeal
	:
	:
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	ISSUED: July 3, 2024 (SDW)

Jennifer Castro appeals the removal of her name from the eligible list for Fire Fighter (M1802W), Bayonne 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 Fire Fighter (M1802W), which had a closing date of August 31, 2018. The resulting eligible list promulgated March 29, 2019 and expired on April 19, 2023.¹ The appellant's name was certified to the appointing authority on February 21, 2023 with a notice date of February 28, 2023. 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. Certification notices instruct individuals to write to the appointing authority within five business days of the notice date to let it know whether or not the individual was interested in the position.

In support of her appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that she never received the subject certification notice, despite checking her mail daily.

Despite an opportunity to do so, the appointing authority failed to submit a response.

¹ Agency records indicate that the subject eligible list was extended until April 19, 2023.

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.

The appointing authority requested the removal of the appellant's name from the eligible list for Fire Fighter (M1856W) on the basis of her failure to respond to the February 28, 2023 certification notice. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she never received the certification notice. Where 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 his 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 her name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Fire Fighter (M1802W), Bayonne, be revived in order for appellant to be considered for appointment at the time of the next certification for prospective employment opportunities 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 3RD DAY OF JULY, 2024

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Allison Chris Myers Chairperson Civil Service Commission

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c: Jennifer Castro James Davis Division of Human Resource Information Services