



**STATE OF NEW JERSEY**

In the Matter of Shawn Slattery,  
Fire Fighter (M2201D), Atlantic City

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

CSC Docket No. 2024-1934

List Removal Appeal

**ISSUED:** July 3, 2024 (PS)

Shawn Slattery, represented by James P. Swift, Esq., 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 15 years including, speeding in 2009, speeding in 2013 and more recently driving or parking an unregistered vehicle in 2019 and failure to obey a traffic sign or signal in 2022.

On appeal, the appellant explains that the documentation contains inaccurate representations concerning his driving history. He asserts that he does not have any summonses for speeding, and he does not have any conviction for failing to wear a seatbelt. He adds that he is aware that there are members of the Fire Department who have convictions for drunken driving and many more serious convictions. Further, he adds that if he is removed from the eligible list, it would violate the Equal Protection Clause of the United States Constitution. He indicates that he is an Emergency Medical Technician and a former Lifeguard on the Beach Patrol demonstrating that is has a substantial background in Public Safety. He believes that most of his issues were in the years of 2013, 2014 and 2015 when he was a youth and none of these offenses are very serious.

In response, the appointing authority, represented by Steven S. 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 15 years, including speeding in 2009, speeding in 2013 and more recently driving or parking an unregistered vehicle in 2019 and most recently failure to obey a traffic signal in 2022.

## 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, in 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 has moving violations, within the past 15 years, including speeding in 2009, speeding in 2014, more recently driving an unregistered vehicle in 2019 and most recently failure to obey a traffic sign or signal in 2022. 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 and show disregard for the State laws and the exercise of poor judgment. The appellant asserts that he has no active points on his record and further adds he has no driving while intoxicated charges. Even if the Commission were to accept the appellant's explanation regarding his violations, it would not account for the fact that the appellant accrued such violations. 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.

With respect to appellant's claim that there are members of the Fire Department that have convictions, the appellant does not identify these individuals. Moreover, even if the names are provided, the Commission may not be in a position to investigate the driving records of current Fire Department employees.

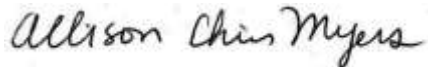
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Fire Fighter (M2201D), Atlantic City, eligible list.

**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 3<sup>RD</sup> DAY OF JULY, 2024



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