



STATE OF NEW JERSEY

In the Matter of Mark Farmer, Fire
Fighter (M2211D), City of Camden

CSC Docket No. 2024-1875

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

List Removal Appeal

ISSUED: September 25, 2024 (KMG)

Mark Farmer appeals the removal of his name on the Firefighter (M2211D), City of Camden (Camden), eligible list due to his failure to meet the residency requirement.

The appellant, a non-veteran, took and passed the open competitive examination for Firefighter (M2211D), which had a closing date of August 31, 2022 and was open to residents of Camden. The subject eligible list promulgated on April 28, 2023 and expires on April 27, 2025. The appellant's name was certified to the appointing authority as the 58th listed eligible on the June 29, 2023 certification (OL230838). In disposing of the certification, the appointing authority requested the appellant's removal. In particular, it maintained that based on the appellant's 2022 tax returns and W-2, it was determined that the appellant failed to meet the residency requirement.

On appeal to the Civil Service Commission, the appellant proffers that he has resided continuously in Camden since July 2022. He explains that he had previously lived in Pennsauken until moving back to Camden in July of 2022. The appellant states that this is the reason that his 2022 W-2 and tax return forms had a Pennsauken address. The appellant asserts that he has lived in Camden since July 2022. The appellant submits, in relevant part, the following items that indicted a Camden address: a change of address acknowledgment from the Motor Vehicle Commission dated July 1, 2022; a copy of his driver's license issued on February 12, 2023; a January 3, 2024 State of New Jersey Firearms Identification Card; a State

Farm Insurance card; a voter registration; and a New Jersey Motor Vehicle Commission registration. The appellant argues that he has clearly shown that he has lived at the Camden address since July 2022, and he has “begun establishing roots” in Camden. Furthermore, the appellant notes that the appointing authority requested document from more than 36 months prior to the application closing date.

Despite an opportunity to do so, Camden has not submitted a response in this matter.

CONCLUSION

N.J.A.C. 4A:4-4.2.11(c) provides that where residence requirements have been established in local service in addition to the New Jersey State residency requirement, residence with regard to local service requirements means a single residence. The following standards shall be used in determining local legal residence:

1. Whether the locations in question are owned or rented.
2. Whether time actually spent in the claimed residence exceeds that of other locations.
3. Whether the relationship among those persons living in the claimed residence is closer than those whom the individual lives elsewhere. If an individual claims a parent’s residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver’s license, motor vehicle registration, or voter registration card and other documents in the same as the claimed legal residence. Post office box number shall not be acceptable; and
6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.

N.J.A.C. 4A:4-2.11(e)1 states, that unless otherwise specified, residency requirements shall be met by the announced closing date for the examination. When an appointing authority requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment. Additionally, *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 the instant matter, the appellant has certified on appeal that his residence has been continuous in Camden since before the August 31, 2022 closing date of the examination to the present. The appellant's "Motor Vehicle Services Address Change History" clearly indicates that he changed his address on July 1, 2022, almost two months before the August 31, 2022 closing date. Moreover, the appellant has submitted numerous documents, dating as early as July 2022, indicating that he has resided in Camden since July 2022. Moreover, the appellant provides a credible explanation as to why his tax returns and W-2 have a Pennsauken, New Jersey address. Pursuant to the standards set forth in *N.J.A.C. 4A:4-2.11(c)*, the appellant has presented convincing evidence that he has resided in Camden since the closing date.

Accordingly, the appellant has met his burden of proof in this matter and the appointing authority has failed to present a sufficient basis to remove the appellant's name from the eligible list for Firefighter (M2211D), Camden, eligible list.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the Firefighter (M2211D), Camden, eligible list, 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 25TH DAY OF SEPTEMBER, 2024



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