



STATE OF NEW JERSEY

In the Matter of Aamir Ali, Fire
Fighter (M2211D), Camden

CSC Docket No. 2024-1914

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

List Removal Appeal

ISSUED: September 4, 2024 (PS)

Aamir Ali appeals the removal of his name from the eligible list for Fire Fighter (M2211D), Camden, on the basis that he resided outside of the residency scope.

The appellant took the open competitive examination for Fire Fighter (M2211D), achieved a passing score, and was ranked 20th on the subsequent eligible list. In seeking his removal from the July 7, 2023, certification, the appointing authority indicated that the appellant failed to prove that he lived in Camden continuously from the closing date of August 31, 2022, through the date of the certification. Specifically, it provided a copy of the appellant's 2022 NJ-1040 New Jersey Resident Income Tax Return. Furthermore, this Resident Income Tax Return shows the appellant resides in Mullica Hill, New Jersey.

On appeal, the appellant states that he wants to clarify that while his 2022 tax returns indicate a different address, it was an oversight on his part as the address belongs to his mother and he opted to have important mail sent there for convenience. The appellant submits a copy of his driver's license, which was issued on June 22, 2022, with an expiration date of January 9, 2023, which indicated a Camden home address.¹ Additionally, he contends that it has been two years since the filing of his application, and it is difficult to find any utility bills from that time period. Instead,

¹ The other licenses submitted, from 2018 forward, as well as his current license, issued in May 2023, indicate a Camden address.

he attaches bills from Genesis F. S. Card Services which shows bills for August 2022, September 2022, October 2022, December 2022 and January 2023 which show his address in Camden, New Jersey. The appellant further adds that he has been at this residence since 2018.

The appointing authority, although having the opportunity, did not respond.

CONCLUSION

N.J.A.C. 4A:4-2.11(e)1 provides that 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.

N.J.A.C. 4A:4-2.11(c) provides that where residency requirements have been established, residence means a single legal residence. The following standards shall be used in determining 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 with 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 is the same as the claimed legal residence. Post office box numbers 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(h) provides that an applicant seeking to appeal a residency determination shall have the burden of proving his or her residency.

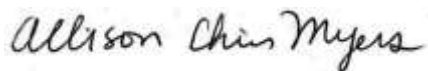
In the instant matter, residency in Camden was required from the August 31, 2022, closing date through appointment. The appellant claims that he has been a resident in Camden since 2018, and his submissions establish that it is more likely than not that the appellant had **continuous** residency in Camden from the August 31, 2022, closing date. In this regard, the appellant's documentation shows residency in Camden from at least June 2022 to the date of certification. Moreover, he has explained the discrepancy on his 2022 tax return, and the appointing authority has provided no further contrary evidence of non-continuous residency. Accordingly, the appellant has met his burden of proof in this matter and his name is restored to the Fire Fighter (M2211D) eligible list for prospective employment opportunities.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the Fire Fighter (M2211D), Camden eligible list for prospective employment opportunities.

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 4TH DAY OF SEPTEMBER, 2024



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