



STATE OF NEW JERSEY

In the Matter of Leonel Rodriguez,
Fire Fighter (M2238D), Jersey City

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

CSC Docket No. 2026-323

List Removal Appeal

ISSUED: February 4, 2026 (HS)

Leonel Rodriguez appeals the removal of his name from the eligible list for Fire Fighter (M2238D), Jersey City, on the basis of an unsatisfactory employment record.

The appellant, a non-veteran, appeared on the subject eligible list, which promulgated on April 28, 2023 and expired on August 27, 2025. The appellant’s name was certified to the appointing authority on January 28, 2025 (OL250093). In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis of an unsatisfactory employment record.

On appeal to the Civil Service Commission (Commission), the appellant states his understanding that his disqualification was tied to his prior employment as a Senior Correctional Police Officer with the New Jersey Department of Corrections (DOC). He explains that he resigned, effective September 1, 2024.¹ Later, he was served with a Preliminary and Final Notice of Disciplinary Action, both dated September 23, 2024. According to the specifications, the appellant violated the use of force policy when, on December 19, 2023, he opened a food port and deployed his OC spray canister into a cell where an inmate was secured and not presenting an immediate threat. Additionally, the specifications indicate there were inaccuracies in the appellant’s written report on this incident.² The appellant indicates he did not appeal the disciplinary charges due to financial and personal constraints, and he had

¹ Agency records indicate that the separation was recorded as a resignation in good standing.

² The September 23, 2024 disciplinary notices were sent to this agency when the appointing authority returned the disposition of the certification.

already moved on from the DOC and focused elsewhere. The appellant asks that his eligibility for Fire Fighter be restored. He argues that the circumstances of his prior employment; the procedural irregularities in the disciplinary process; and the stark differences between the respective roles of Fire Fighter and corrections officer support his request. He contends that his brief tenure with the DOC does not reflect his overall work ethic, capabilities, or dedication to public service.

The appointing authority was notified of the instant appeal and advised that *N.J.A.C. 4A:4-4.7(b)1* provides that upon request of the eligible or upon the eligible's appeal, the appointing authority shall provide the eligible with copies of all materials sent to the appropriate Commission representative when it disposed the certification. The appointing authority was further advised that if it failed to provide the eligible with copies of materials, the request for removal may be denied under *N.J.A.C. 4A:4-4.7(b)2*. The appointing authority was advised of the need to submit this information to the appellant and that it could also submit any argument in response to the appeal. However, the appointing authority did not respond.

Subsequently, the appellant stated that the appointing authority's failure to respond deprived him of the right to properly review and respond to the evidence used against him. He requests that his name be restored to the subject eligible list or, alternatively, that the appointing authority be directed to appoint him if the Commission deems this appropriate.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)7*, allows for the removal of an individual from an eligible list who has a prior employment history which relates adversely to the position sought. *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 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. *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.

In the instant matter, the appointing authority requested the removal of the appellant's name from the subject eligible list on the basis of an unsatisfactory employment history while he was employed with the DOC. However, the record reflects that the appellant's separation from the DOC was recorded as a resignation in good standing, and the disciplinary notices postdate the resignation. Moreover, the appointing authority never responded to this appeal. Under these circumstances, the Commission finds that there is not a sufficient basis to remove the appellant's

name from the subject eligible list, and his name must be restored. However, the appointing authority, in its discretion under *N.J.A.C.* 4A:4-4.8, could take the disciplinary notices into account to bypass him on the subject eligible list. In the present case, such concerns present a sufficient basis to bypass his name on the eligible list. *See N.J.A.C.* 4A:4-4.8(a)3. Accordingly, as the appellant's name can be bypassed on the certification, his name should be reflected on the January 28, 2025 certification as bypassed. There is no basis to order the appellant's appointment as he does not possess a vested property interest in the position. *See Nunan v. Department of Personnel*, 244 *N.J. Super.* 494 (App. Div. 1990).

ORDER

Therefore, it is ordered that this appeal be granted in part and Leonel Rodriguez's name be restored to the eligible list for Fire Fighter (M2238D), Jersey City, but that his name be reflected as bypassed on the January 28, 2025 certification.

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 FEBRUARY, 2026

Allison Chris Myers

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Chairperson
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