

B-40



STATE OF NEW JERSEY

In the Matter of Robert Brown Sr.,	:	FINAL ADMINISTRATIVE ACTION
Veterans Service Officer 2	:	OF THE
(S0598S), Statewide	:	CIVIL SERVICE COMMISSION
	:	
DOP Docket No. 2016-753	:	
	:	Request for Reconsideration
	:	
	:	
	:	
	:	

ISSUED: OCT - 9 2015 (RE)

Robert Brown Sr. petitions the Civil Service Commission for reconsideration of the decision rendered on February 4, 2015, which denied his appeal regarding his ineligibility for the open-competitive examination for Veterans Service Officer 2 (S0598S), Statewide. A copy of that decision entitled *In the Matter of Robert Brown Sr., Veterans Service Officer 2 (S0598S), Statewide* (Civil Service Commission, decided February 4, 2015), is attached hereto and incorporated herein.

By way of background, the subject open-competitive examination had a closing date of July 28, 2014. The eligibility requirements were possession of a Bachelor's degree from an accredited college, and two years of program delivery experience in providing social services assistance for the disabled or other client population which may include the investigation, analysis, and evaluation of socio-economic situations. A Master's degree in Social Work, Education, Psychology, Nursing, or other related areas could be substituted for one year of experience.

Appellant submitted an on-line application on July 13, 2014, listing three positions under employment. The first position was Motor Coach Operator with Classic Tours, Inc.; the second position was Veterans Service Representative/Field Examiner with the Department of Veterans Affairs (Newark); and the third position was Director, Military Education and Veteran Services with Burlington County College. No other employment was listed in the on-line application or otherwise provided. In its February 4, 2015 decision on the examination appeal, the Commission explained that the appellant's first and third positions were not

applicable, and he was credited with 1 year, 10 months of experience in the second position at the Department of Veterans Affairs.

In the present matter, the appellant indicates that the Commission did not consider experience from his resume, which he provided in correspondence dated December 30, 2014, in support of his original appeal. He also argues that the on-line application only allowed for three entries in the experience section. He argues that the on-line application did not allow him to add a fourth position, that of Veteran's Coordinator and Financial Aid Administrator with Ocean County Community College from 2002-2010 (no hours given), which he asserts is qualifying experience. Specifically, he states that he provided financial aid counseling for federal and State programs to students, and provided job placement for economically disadvantaged students.

He also contends that his experience in the third position, as Director, Military Education Veterans Services, with Burlington County College included duties which match the experience requirement. The appellant provides a copy of his Service Organization Representative accreditation. Several individuals, including Senator Joseph Kyrillos, Jr., submitted letters in support of this appeal. They indicate that the appellant provided exemplary assistance with veteran benefits, and is dedicated and meticulously thorough.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following:

1. New evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

Applying this standard to the instant matter, the appellant has not demonstrated that reconsideration should be granted. The appellant has not demonstrated that a clear material error has occurred or presented new information which would change the outcome.

On appeal, the appellant argued that an additional position, Veteran's Coordinator and Financial Aid Administrator with Ocean County Community College, should be considered although it was not listed on his application. However, on the resume he did not provide sufficient information to quantify the work, and the duties do not match. The appellant did not indicate whether the position was full or part time, and provide the number of hours worked per week.

As duties, the appellant listed, "Responsible for VA education programs and counseling student veterans on the eligibility for other veteran's benefits; coordinated all aspects of federal and State financial aid; Board of Directors, NAVPA, Secretary, NAVPA; received numerous outstanding reports from NJ-SAA on annual compliance inspections." This description does not indicate that program delivery experience in providing social services assistance was the primary focus of the position. Nevertheless, as this was supplemental information received after the July 28, 2014 closing date, it could not be considered in light of the competitive situation for this examination. Similarly, his experience as owner and operator of "Sub Busters," and his experience in the U.S. Navy was also not considered, as it was not included on his original application. On reconsideration, he provides additional information regarding financial aid counseling he performed.

The job announcement clearly states, "You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to compete your application properly may lower your score or cause you to fail." Also, the on-line application allows an applicant to record as many positions as needed, and does not limit the number to three. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Further, page i of the application guide reminds candidates, "Carefully review your application to ensure that it is complete and accurate before submitting," and "If supplemental documents are required, please upload them with your application or submit them within five business days of submitting your online application." Page 18 states, "Provide *all* employment information (not just your current employment information). If you have multiple experiences, make sure they you provide each one separately." Page 19 provides instructions on how to save and edit experience, and pages 20 through 22 explain how to submit supporting documentation. Page 23 demonstrates the area provided to determine needed changes, updates or additions. It also asks candidates if they carefully reviewed each section of the application to make sure that all the information was complete and accurate. It states that "Please note that once you submit your online application and application fee, you will not be able to go back to the application to add or modify your information." Page 24 informs candidates that when they click "yes" to proceed to the payment section, they are certifying that the information they have provided in the application is complete and accurate. These copious instructions regarding providing a complete application are provided since the application is not a mere formality used to schedule examinations. This agency makes official determinations for eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions, since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. See *In the Matter of Daniel Roach* (Merit System Board, decided October 20, 2004).

Under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley (MSB, decided November 17, 2004)*.

The appellant's application contained only three positions. The Commission's decision indicated that the appellant's experience in his first position as Motor Coach Operator with Classic Tours and third position as Director, Military Education Veterans Services with Burlington County College were not applicable. With regard to his experience at Burlington County College, the Commission found that the duties that did not match the announced experience requirement. Upon review of the record, this was in error, as appellant was in fact credited with experience in the third position at Burlington County College. The appellant listed 10 months in the second position at the Department of Veterans Affairs, and 1 year in the third position at Burlington County College. He could not have received 1 year, 10 months of experience unless the third position was accepted. As such, the appellant received credit for experience in the third position. Thus, while the Commission erred in its February 4, 2015 decision by stating appellant did not receive credit for the position when in fact he had, this was not a material error which would affect the outcome of the decision as he was still 2 months short.

Although he had instructions and the ability to provide additional positions on the application, or to provide additional documents such as a resume with his application, the appellant did not do so. The appellant provided a resume with his appeal, and argues that the amended information was not evaluated. He is correct. Pursuant to *N.J.A.C.* 4A:4-2.1(f), amended information is not permitted after the closing date of an examination under *N.J.A.C.* 4A:4-2.1(f). See *In the Matter of Annemarie Brahan and Dick Norris (MSB, decided September 22, 2004)*. As this was a very competitive examination, with 185 admitted applicants at the time of the Commission's decision, amended information provided with the appeal could not be considered. The examination has since been held, and 105 candidates appear on the resultant eligible list, which has been certified three times. To date, two appointments have been made.

The first position on the appellant's application was not applicable. Appellant received the appropriate credit of 1 year and 10 months for the second and third positions listed on his application. Appellant's positions in other employment submitted after the closing date do not warrant additional credit for

qualifying experience. Applicants are required to unambiguously indicate relevant experience on the application. It is impractical, given the thousands of applications reviewed by the Commission each year, as well as likely to create inequities in the initial screening process, for reviewers in the Division of Agency Services to infer every logical relationship of an applicant's duties to those announced in the requirements. Applicants are required to clearly demonstrate that their experience matches that required in the announcement. *See In the Matter of Marcella Longo* (MSB, decided November 4, 2004) and *In the Matter of Rui Reguinho* (MSB, decided October 6, 2004). In addition, in order for experience to be considered applicable, it must have as its **primary focus** full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

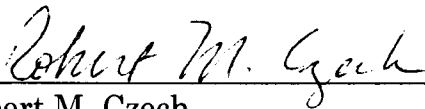
The appellant has failed to present a basis for reconsideration of this matter since he failed to establish that a clear material error occurred in the original determination or that new evidence presented would change the outcome of the appeal.

ORDER

Therefore, it is ordered that this request 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
THE 7th DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment

**c: Robert Brown Sr.
Representative Christopher Smith
Senator Jennifer Beck
Senator Christopher Connors
Senator Joseph Kyrillos, Jr.
Kelly Glenn**



STATE OF NEW JERSEY

In the Matter of Robert Brown Sr.,
Veterans Service Officer 2
(S0598S), Statewide

CSC Docket No. 2015-1862

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: FEB -9 2015

(RE)

Robert Brown Sr. appeals the determination of the Division of Selection Services (DSS) which found that he did not meet the experience requirement for the open-competitive examination for Veterans Service Officer 2 (S0598S), Statewide.

The subject open-competitive examination had a closing date of July 28, 2014 and was open to residents of New Jersey who met the requirements of possession of a Bachelor's degree from an accredited college, and two years of program delivery experience in providing social services assistance for the disabled or other client population which may include the investigation, analysis, and evaluation of socio-economic situations. A Master's degree in Social Work, Education, Psychology, Nursing, or other related areas could be substituted for one year of experience. The appellant was found to be below the minimum requirements in experience. It is noted that the 185 applicants have been admitted to the examination, which has not yet been held.

On his application, the appellant indicated that he possessed a Bachelor's degree, and a Master's degree in Management, and he listed three positions: Motor Coach Operator, Veterans Service Representative/Field Examiner, and Director, Military Education and Veteran Services. The appellant was credited with 1 year, 10 months of experience in the second position, and was found to be lacking 2 months of qualifying experience.

On appeal, Mr. Brown argues that he possesses the required experience, gained in his positions, and he describes some of the duties he has performed in those positions, and when self-employed in the food service industry.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

CONCLUSION

Qualifying experience has the announced experience as the primary focus. The amount of time, and the importance of the duty, determines if it is the primary focus. The appellant received credit for his experience as a Veterans Service Representative/Field Examiner. He cannot receive credit for experience as a Motor Coach Operator, as the duties of that position are unrelated to the announced experience requirement. In addition, the appellant's experience as a Director, Military Education Veterans Services, with Burlington County Community College did not have program delivery experience in social services assistance, including investigation, analysis and evaluation of socio-economic situations, as the primary focus. In that position, the appellant was an adviser for military students enrolled on campus, represented the college in veterans education affairs, was active in support of current students and recruitment of future veterans, conducted work study training, administered veterans educational programs, and kept appropriate records. While a small portion of this experience may have touched upon program delivery of social services assistance, this was ancillary to the primary function of directing military education and veterans services for the college. Thus, this experience is not applicable, and the appellant lacks 2 months of qualifying experience as of the July 2014 closing date.

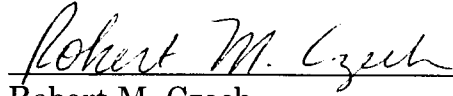
An independent review of all material presented indicates that the decision of DSS, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

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
THE 4th DAY OF FEBRUARY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Robert Brown Sr.
Kelly Glenn
Joseph Gambino

