



*N.J.A.C.* 4A:4-2.9(a) (Make-up examinations) states that make up examinations may be authorized for:

1. Error by the Civil Service Commission or appointing authority;
2. Serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons;
3. Documented serious illness or death in the candidate's immediate family;
4. Natural disaster;
5. Prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation;
6. When required for certain persons returning from military service (see *N.J.A.C.* 4A:4-4.6A); and
7. Other valid reasons.

*N.J.A.C.* 4A:1-1.2(c) sets forth that a rule may be relaxed for good cause in a particular situation.

### CONCLUSION

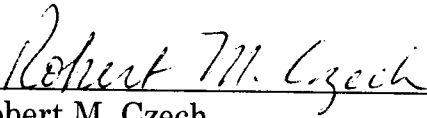
The record establishes that the appellant was scheduled to take the written portion of the examination on September 19, 2015 and did not do so. The original chiropractor's note supplied by the appellant did not include a diagnosis, but indicated that he should not sit for more than 30 minutes at one time from September 10 to 24, 2015. The closing date for the examination was May 4, 2015, and as such, it is unlikely that the appellant's condition was the same so that he would have recognized that he should request ADA assistance. Rather, the examination was held four months later. While the note did not specify that the candidate was not able to take the test on September 19, 2015 for medical reasons, it did indicate that he should not sit for more than 30 minutes on that date. As written examinations require prolonged sitting, the appellant had a medical condition which precluded his participation in the examination. Although the circumstance of this matter does not fit precisely within the parameters of the rule, it is clearly evident that appellant had a compelling medical reason to miss the examination. Given these unique circumstances, the criteria of *N.J.A.C.* 4A:4-2.9(c) should be relaxed and the appellant be given a make-up examination.

### ORDER

Therefore, it is ordered that this appeal be granted and the appellant be scheduled for a make-up examination. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other proceeding.

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 18<sup>th</sup> DAY OF NOVEMBER, 2015

  
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