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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Richard Cunningham,
Medical Security Officer Recruit
(S0239T), Statewide

Examination Appeal

CSC Docket No. 2016-1431

ISSUED: DEC 21 2015

(RE)

Richard Cunningham requests a makeup examination for the open competitive examination for Medical Security Officer Recruit (S0239T), Statewide.

The closing date for this examination was May 4, 2015, and the exam was scheduled for September 19, 2015. Notices of Examination were sent to all eligible candidates two weeks prior to the examination, on August 27, 2015. The appellant had been admitted, but did not appear to take the exam. The appellant sent a letter postmarked October 5, 2015 stating that his mother did not give him the Notification of Examination until "it was too late." He states that he no longer lives at the address provided on his application, and he provided his new address.

N.J.A.C. 4A:4-2.9(a), Make-up Examinations, provides that make-up examinations, except for police, fire and professional level engineering promotional examinations, may be authorized for the following reasons:

1. Error by the Department of Personnel 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; and

6. Other valid reasons.

Also, *N.J.A.C.* 4A:4-2.8 (Scheduling of examinations) states in pertinent part that candidates shall be at the examination site at the designated time. It is noted that 490 candidates passed the examination, the list has been certified once, and no appointments have yet been made.

CONCLUSION

The record establishes that appellant was scheduled to take the subject examination on September 19, 2015, and did not do so. The appellant argues that he did not receive the Notice of Examination, but he does not state that this was due to Civil Service Commission error. Rather, he indicated that he had moved, and his mother did not give him the notice. In this regard, the Division of Agency Services (DAS) sends notices two weeks prior to the examination and it was sent to the address provided by the appellant. It was received at that address and the appellant states that his mother did not give it to him in a timely manner. As such, the appellant has not demonstrated that the Commission erred in some fashion in notifying him of the examination. Candidates maintain responsibility for accepting their mail after it has been delivered. Also, they also have a responsibility to inform the Civil Service Commission if they move so the notification may be sent to the new address. For future notifications, the appellant should complete the change of address information on the website at: <https://info.csc.state.nj.us/mailer/ChangeAddress.aspx>. Many candidates appeared for and passed the examination and the employment roster is complete. The appellant does not meet the standard for a make-up examination.

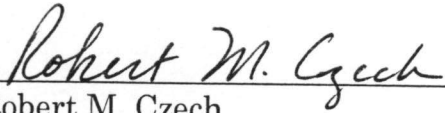
A thorough review of the record indicates that the determination of DAS is proper and consistent with Civil Service regulations, and that appellant has not met his burden of proof in this matter.

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 16th DAY OF DECEMBER, 2015



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Chairperson
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and
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