

STATE OF NEW JERSEY

In the Matter of Gary Hill, Police
Officer (S9999R), Trenton

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-1824

List Removal Appeal

ISSUED: **OCT 06 2017** (SLK)

Gary Hill, represented by David Beckett, Esq., appeals his removal from the eligible list for Police Officer (S9999R), Trenton, on the basis of his non-interest in the position.

By way of background, the appellant's name was certified to Hamilton Township for Police Officer (OL160141) on February 12, 2016. In disposing of the certification on June 17, 2016, Hamilton indicated that he was interested in the position but not reachable for appointment. The appellant's name was also certified to Trenton for Police Officer (OL160421) on April 7, 2016. In disposing of the certification on September 22, 2016, Trenton indicated that the appellant requested that his name be removed from the list. In support, Trenton provided an Interested/Not Interested Letter signed by the appellant where he checked the response "I am not interested and wish to have my name removed."

On appeal, the appellant states that when he checked on his status for the position of Police Officer with Hamilton, he was advised that his name was removed from the list. However, the appellant indicates that he received no notice that he was ever removed from the list. Further, he states that the reason he was ultimately given for the removal from the list was his alleged inability, unavailability or refusal of an eligible to accept appointment, but that these reasons are not consistent with the record. The appellant also states that he made his interest clear to Trenton that he applied to Hamilton, was currently in the process for a position with the Mercer County Sheriff's Office, and that Trenton was not his first choice. Additionally, he indicates that had he been advised by Trenton that his name would be removed from the list, he could have addressed it at that time to ensure that he remained on the eligible list for Police Officer.

Additionally, the appellant certifies that he believes that the Interested/Not Interested Letter that he purportedly signed on April 22, 2016 for Trenton was altered or is a composite of two documents because it does not accurately reflect his wishes or declaration as the only form he signed indicated that he wished to continue with the process. He represents that since he did not know if he had been accepted for appointment as of April 22, 2016, he would not have asked to have his name removed from the list. The appellant claims that even after he was appointed as a Sheriff's Officer, he never advised Trenton that he wished to have his name removed from the Police Officer title area list. He asserts that Trenton needs to provide the original paperwork showing his original signature and checkmark so that the document can be checked to ensure that it has not been altered or created from different forms. Therefore, the appellant requests that his name be restored to the list.

Although given the opportunity, the appointing authority did not submit any additional information or arguments in response to the appellant's appeal.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)3 states that the name of an eligible may be removed from an eligible list for inability, unavailability or refusal of eligible to accept appointment.

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 or her name from an eligible list was in error.

In the instant matter, Trenton presented a valid basis to remove the appellant's name from the subject list. In accordance with the Interested/Not Interested Letter that the appellant signed on April 22, 2016, he indicated that he wished to have his name removed from the list. On appeal, the appellant claims that he never signed this document and alleges that the document was altered or a composite of two documents because it does not accurately reflect his wishes. However, a review of the appellant's signature on the Interested/Not Interested Letter and his signature on his certification look similar. Further, the document in question does not have any markings on it that would indicate that it was an altered or composite of two documents. Moreover, while the appellant is making a very serious allegation against Trenton, namely, that it committed a crime by altering a document; he does not submit one scintilla of evidence to support this claim.

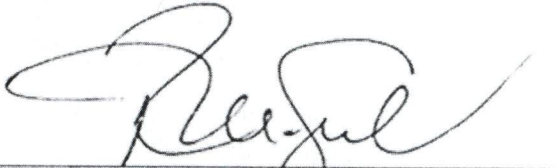
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999R), Trenton eligible list.

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 ON
THE 4th DAY OF OCTOBER, 2017



Robert M. Czede, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Gary Hill
David Beckett, Esq.
Terry McEwen
Kelly Glenn
Records Center

