

STATE OF NEW JERSEY

In the Matter of Nicholas DeRisi,  
Correction Officer Recruit, Juvenile  
Justice Commission (S9999R),  
Juvenile Justice Commission

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-607

List Removal Appeal

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

Nicholas De Risi appeals his removal from the eligible list for Correction Officer Recruit, Juvenile Justice Commission (S9999R), Juvenile Justice Commission for failing to respond to the certification notice.

By way of background, on August 8, 2016, a notice was sent to the appellant indicating that his name had been certified to the Juvenile Justice Commission from the Correction Officer Recruit, Juvenile Justice Commission (S9999R) list on certification OS160527. However, the appellant failed to respond to the certification notice.

On appeal, the appellant states that he did not receive the notice of certification. He indicates that he lives in a two family house with tenants above his apartment and presents that they may have taken the letter by mistake. The appellant asserts that there have been multiple instances where mail has been placed in each other's mailboxes. The appellant requests to have his name restored to the list so that he can be considered for future opportunities.

In reply, the appointing authority indicates, due to the reasons that the appellant states on appeal, that it agrees to restore the appellant's name for future certifications.

**CONCLUSION**

*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 the appointing authority's decision to remove the appellant's name from the eligible

list was in error. *N.J.A.C. 4A:4-4.7(a)6* provides that the name of an eligible may be removed from an eligible list for non-compliance with the instructions listed on the notice of certification.

In the instant matter, the appellant states that he never received the notice of certification. He presents that he lives in a two family house and believes that the other tenant may have mistakenly taken the letter. The appellant asserts that there have been multiple issues where mail has been placed in each other's mailboxes. Further, the appointing authority indicates that it accepts the appellant's explanation as to why he did not respond and agrees to restore the appellant's name for future certifications. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Correction Officer Recruit, Juvenile Justice Commission. Since the S9999R eligible list expired on March 22, 2017, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

### ORDER

Therefore, it is ordered that this appeal be granted and the list for Correction Officer Recruit, Juvenile Justice Commission (S9999R), Juvenile Justice Commission be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

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 4<sup>th</sup> DAY OF OCTOBER, 2017

---

Robert M. Czech  
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: Nicholas DeRisi  
Josie Piccolella  
Kelly Glenn

