



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Matthew Fields,  
Police Officer (S9999U), Mount Holly  
Township

List Removal Appeal

CSC Docket No. 2017-3782

ISSUED: NOV 02 2017 (HS)

Matthew Fields appeals the removal of his name from the eligible list for Police Officer (S9999U), Mount Holly Township on the basis that he failed to respond to the certification notice.

The appellant, a veteran, took and passed the open competitive examination for Police Officer (S9999U), which had a closing date of August 31, 2016. The resulting eligible list promulgated on March 29, 2017 and expires on March 30, 2019. The appellant's name was certified to the appointing authority on March 29, 2017 (OL170354). In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that he failed to respond to the certification notice. The disposition of the certification was recorded by this agency on May 23, 2017.

On appeal to the Civil Service Commission (Commission), the appellant claims that he did not completely understand the requirements to respond to each certification notice.

In response, the appointing authority maintains that it properly requested the removal of the appellant's name. It notes that the certification notice clearly instructed eligibles to write to the appointing authority within five business days of the notice; conveyed that a response is needed to remain on the eligible list and be considered for a position; and stated that the eligible's name would be removed from the list unless the instructions were followed. In support, the appointing authority submits a sample certification notice.

In reply, the appellant inquires whether the removal of his name from the list applies solely to the Mount Holly Township Police Department and not other municipal opportunities in the State.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification." *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 an appointing authority's decision to remove his name from an eligible list was in error. The appointing authority requested the removal of the appellant's name from the eligible list for Police Officer (S9999U), Mount Holly Township on the basis of his failure to respond to the March 29, 2017 certification. Although the appellant claims that he did not completely understand the requirement to respond to each certification notice, the instructions on the certification notice clearly state that the eligible must write to the appointing authority within five business days of the date of the notice, among other things. Accordingly, the Commission does not find the appellant's argument persuasive, and he has not met his burden of proof. As a final matter, it is noted that, as of May 23, 2017, the appellant's name was removed from the Law Enforcement Series (S9999U) pool of eligibles for the Police Officer title area.<sup>1</sup>

### ORDER

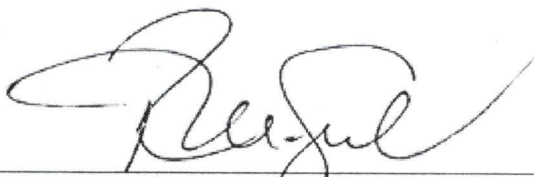
Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

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<sup>1</sup> It is noted that even if the appellant had presented a persuasive argument in the instant appeal, there still would not appear to be a sufficient basis to grant relief. In this regard, agency records indicate that the appellant's name was also removed from the eligible list for Police Officer (S9999U), Edgewater Park on the basis that he failed to respond to the March 29, 2017 certification (OL170353). The appellant was sent a certification disposition notice on July 24, 2017 informing him of that action, and agency records reflect that the appellant did not file an appeal concerning certification notice OL170353. The appellant's failure to respond to certification notice OL170353 was a separate valid basis to remove his name from the Law Enforcement Series (S9999U) pool of eligibles for the Police Officer title area.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF NOVEMBER, 2017



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Civil Service Commission

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