



STATE OF NEW JERSEY

In the Matter of Edward Alligier,
County Correction Officer (S9999R),
Union County

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-112

List Removal Appeal

ISSUED: MARCH 29, 2018 (JET)

Edward Alligier appeals the removal of his name from the County Correction Officer (S9999R), Union County, eligible list.

The appellant took the promotional examination for County Correction Officer, achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on January 11, 2017 (OL170030), and the notice of certification was sent to the candidates on January 19 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of failure to respond to the notice of certification. Three hundred and one names appeared on the certification and 11 candidates were appointed, including individuals who ranked lower than the appellant. The disposition date for the certification was recorded as May 31, 2017. The (S9999R) list expired on March 22, 2017.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he was out of the country at the time the notice of certification was sent to his home, and as such, he did not receive it until he returned home. He explains that he was unable to respond to the appointing authority indicating his interest in the position until after the date had passed to submit the response to the notice of certification. In support, he submits documentation, including copies of his Visas and an insurance form, to show that he was not in the country at the time the notice of certification was sent to him. As such, the appellant requests that his name be restored to the eligible list.

In response, the appointing authority indicates that, under the circumstances, it has no objection to restoring the appellant's name to the list.

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:4-4.7(a)11 allows the removal of an eligible's name from an eligible list for other valid reasons. *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 or her name from an eligible list was in error.

In the instant matter, the appellant's name was removed from the list on the basis of failure to respond to the notice of certification. However, the appellant provides evidence, including a copy of an insurance certificate and copies of his Visas, to show that he was out of the country at the time the notice of certification was sent to his address. Given that the appellant was clearly out of the country at the time the notice of certification was sent to his home and could not have been aware that he was required to respond to the notice, and since the appointing authority has no objection to restoring his name to the list, under these circumstances, the appellant's name should be restored to the list. Therefore, there is sufficient justification for restoring the appellant's name to the County Correction Officer (S9999R), Union County eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the list for County Correction Officer (S9999R), Union County, 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 27th DAY OF MARCH, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Edward Alligier
Michael M. Yuska
Kelly Glenn