



**STATE OF NEW JERSEY**

In the Matter of Tamisha Ocasio,  
Police Officer (S9999U), Union City

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

CSC Docket No. 2018-957

List Removal Appeal

**ISSUED: APRIL 2, 2018** (SLK)

Tamisha Ocasio appeals the removal of her name from the eligible list for Police Officer (S9999U), Union City, on the basis of falsifying her application.

By way of background, the appellant applied to the subject examination, which had an August 31, 2016 closing date, and her name appeared on certification OL170409 that was issued to the appointing authority on April 5, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that she falsified her application. Specifically, the appointing authority presented that the appellant previously worked for it as a Public Safety Telecommunicator and she was the subject of two complaints. The first complaint was on April 23, 2013 where she received a performance notice for using her cell phone while she was assigned to monitor the appointing authority's closed-circuit television. The second complaint occurred on October 28, 2015 where she received a two-day suspension for abandoning her post. The appointing authority indicated that the appellant was asked on her pre-employment application if she was ever the subject of a written complaint at work and she responded, "No."

On appeal, the appellant states that she has filled out several other applications for other law enforcement titles exactly as she filled out her application for the appointing authority and she never had any issues with other departments. The appellant explains that she responded "No" to the question regarding if she had ever been subject to a written complaint because she thought that the question was referring to a civilian "complaint" for Internal Affairs. The appellant emphasizes that

she did disclose these incidents in response to the question asking if she had ever been disciplined at work.

In response, the appointing authority states that it is quite evident that the appellant was the subject of written complaints at work and she answered “No” in response to that question.

### **CONCLUSION**

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Civil Service Commission to remove an eligible’s name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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.

A thorough review of the record indicates that the appellant’s removal from the (S9999U) eligible list for Police Officer is not warranted. The appellant did not falsify her application. Rather, a review of her application indicates that in response to the question as to whether she had ever been disciplined at work, she did disclose the two complaints in question. Therefore, while she may have misinterpreted the appointing authority’s question regarding whether she had ever been the subject of a written complaint at work and inadvertently answered “No” on the employment application, the appellant did provide all the material facts relevant for the appointing authority to review her candidacy and therefore she did not falsify her application. *See In the Matter of Lance Williams* (CSC, decided May 7, 2014).

Accordingly, the appellant has met her burden of proof in this matter and the appointing authority has not shown sufficient justification for removing her name from the eligible list for Police Officer (S9999U), Union City.

### **ORDER**

Therefore, it is ordered that this appeal be granted and the appellant is 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 27<sup>th</sup> DAY OF MARCH, 2018



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