



as evidence by relevant documentation; 4) When required for certain persons returning from military service (*see N.J.A.C. 4A:4-4.6A*) or 5) Error by the Civil Service Commission or the appointing authority. It is noted that seven candidates took the written portion of the examination.

### CONCLUSION

The record establishes that the appellant was scheduled to take the examination on November 18, 2017 at 9:00 a.m. and did not do so. A review of the confirmation indicates that the reservation could not be refunded, but it does not state that it could not be rescheduled. Nevertheless, the Civil Service Commission publishes an Examination Information Alert (EIA) regarding fire promotional announcement and testing schedules. An EIA issued in January 2017 indicated that the tentative month of the written examination was October or November 2017. Thus, the appellant scheduled and paid for this trip prior to notice that the exam would be announced or scheduled. Prior travel plans outside of New Jersey or any contiguous state is not provided for in these rules and the appellant was faced, essentially, with a scheduling conflict. Nevertheless, the appellant provided confirmation that he was staying at a hunting lodge in Indiana on the day of the examination, he had paid for the trip in May 2016, prior to issuance of the EIA, and there were no refunds given. Based on the unique facts of this case, good cause exists to afford the appellant a make-up examination for prospective appointment consideration only. It is noted that the appellant will not receive the same examination as that originally given and that the make-up examination may be given with the next administration of a test for this title.

### ORDER

Therefore, it is ordered that this appeal be granted, and that the appellant be given a make-up examination for prospective appointment consideration 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



Deirdre L. Webster Cobb  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Rudolph Danna III  
Michele Karngbaye  
Records Center