



**STATE OF NEW JERSEY**

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

In the Matter of A.D. Fire Fighter  
(M2542M), Jersey City

CSC Docket No. 2018-2371

Acknowledgment of a Settlement

**ISSUED: MARCH 28, 2018** (WR)

A.D., represented by Michael Prigoff Esq., and Jersey City seek acknowledgment of the attached settlement agreement between A.D. and Jersey City.

By way of background, the record indicates that A.D.’s name appeared on the Fire Fighter (M2542M), Jersey City eligible list that expired on December 12, 2015. Jersey City requested the removal of A.D.’s name from the February 25, 2014 certification of the eligible list on the basis that he was psychologically unfit to perform effectively the duties of the position of Fire Fighter. A.D. appealed the removal of his name from the eligible list. In the attached decision, *In the Matter of A.D.* (CSC, decided April 5, 2017), the Civil Service Commission (Commission) upheld the removal of A.D.’s name from subject eligible list on the basis that he was psychologically unfit. A.D. appealed the Commission’s decision to the Superior Court of New Jersey, Appellate Division and the parties subsequently entered into the attached settlement agreement.

The settlement provides that A.D. will be retroactively appointed to the position of Fire Fighter, effective the date he would have been appointed<sup>1</sup> had he not been disqualified from the eligible list and will attend the next available Fire Academy. Moreover, the settlement provides that A.D. will waive any claims, including those for back pay or attorney’s fees.

<sup>1</sup> Agency records indicate that A.D.’s name appeared as the 12<sup>th</sup> ranked eligible on the February 25, 2014 certification (OL140231). It is noted that the 11<sup>th</sup> and the 13<sup>th</sup> ranked eligibles were appointed, effective May 19, 2015.

## CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4(a) provide that an expired eligible list may be revived to implement a court order, in a suit filed prior to the expiration of the list; to implement an order of the Commission in an appeal or proceeding instituted during the life of the list; to correct an administrative error; to effect the appointment of an eligible whose working test period was terminated by a layoff; or for other good cause.

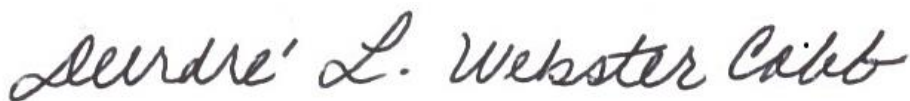
In the instant matter, the settlement agreement reached between the parties requires that the Commission revive the Fire Fighter (M2542M) eligible list and restore A.D.'s name to the subject eligible list in order to effectuate his appointment. The policy of the judicial system strongly favors settlement. See *Nolan v. Lee Ho*, 120 *N.J.* 465 (1990); *Honeywell v. Bubb*, 130 *N.J. Super.* 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 *N.J. Super.* 472 (App. Div. 1961), *cert. denied*, 35 *N.J.* 61 (1961). This policy is equally applicable in the administrative area. A settlement will be set aside only where there is fraud or other compelling circumstances. See *Nolan, supra*. Therefore, the Commission acknowledges the attached settlement agreement and finds that good cause has been presented to revive the subject eligible list and record A.D.'s regular appointment from that list in accordance with the settlement agreement.

## ORDER

Therefore, the Commission acknowledges the settlement agreement, and orders that the subject list be revived and that the Division of Agency Services staff proceed to implement the pertinent terms contained therein.

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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Attachments

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