

B-8/8



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Anthony Dimitri,  
Correction Officer Recruit (S9988R),  
Department of Corrections

List Removal

CSC Docket No. 2015-330

ISSUED: APR - 6 2015 (LDH)

Anthony Dimitri appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988R) on the basis of a positive drug test.

The appointing authority rejected the appellant, a Correction Officer Recruit candidate, due to a positive drug test. In support of its rejection and request for removal, the appointing authority submitted a laboratory report stating that a screening of the appellant's urine sample taken on April 3, 2014 was conducted and proved positive for Opiates (Hydrocodone/Hydromorphone) and Oxycodone (Oxymorphone). The appointing authority advised the appellant by letter dated May 15, 2014 that he was to verify his prescription of the two substances by submitting appropriate documentation. Acceptable documentation consisted of documentation from the treating physician on the physician's letterhead, a copy of the prescription, or a printout from the pharmacy indicating that the listed substance was a prescribed medication at the time the appellant reported for processing on April 3, 2014 or within 30 days preceding the appointment date. Moreover, the appointing authority further advised the appellant that failure to verify his prescription within 10 days of the May 15, 2014 letter would result in his name being removed from the eligible list and the forwarding of his name to the Central Drug Registry maintained by the Division of State Police.

On May 23, 2014, the appellant submitted a copy of his emergency room discharge papers to verify his prescription for Percocet (Oxycodone). The discharge

papers, dated December 2, 2013, stated that the appellant was prescribed 10 tablets of Percocet to be taken every four hours as needed for pain. On May 27, 2014, the appointing authority rejected his paperwork because it did not prove a valid and active prescription within 30 days preceding the drug test at issue, reiterated its policy regarding verification of prescription drugs and extended the deadline 10 days to submit a verification of the prescription drugs. Since the appellant did not timely respond with the appropriate paperwork, his name was removed from the eligible list and his name was forwarded to the Central Drug Registry.

On appeal to the Civil Service Commission (Commission), the appellant argues that he was prescribed Norco (Hydrocodone) and Endocet (Oxycodone/Percocet) for shoulder pain. As a result of his discharge papers being rejected, he contends that he attempted to get additional information from the emergency doctor but to no avail. Thereafter, he went to his primary doctor to obtain a letter that would satisfy the verification requirement. In support, he submits a letter dated May 28, 2014 from his primary physician, Colin Campbell, which stated that the appellant had been prescribed Norco in case he needed it for the pain or were to run out of his regular medication of Percocet. This would explain the positive drug test. Dr. Campbell also contends that the appellant has been monitored and drug screened during his prescription activity. The appellant argues that he faxed this letter over to the appointing authority on May 30, 2014. Finally, he reiterates that he took the medication for a pre-existing injury and not for recreational use. Thus, the appellant argues that he has proved that his positive drug test was the result of prescription medications.

In response, the appointing authority notes that it stands with its original decision to remove the appellant from the subject eligible list. The appointing authority argues that the appellant had to verify a prescription for two separate and very different drugs, Opiates and Oxycodone. With regard to the Opiates, the appointing authority argues that it never received the letter from the primary doctor stating that the appellant was prescribed Norco. Though the letter from the primary physician is dated May 28, 2014, the appointing authority argues that the appellant has shown no proof that he submitted this letter to the DOC, such as a fax confirmation.

With regard to the Oxycodone, the appointing authority argues that the discharge papers do not prove that the appellant had a valid and active prescription within 30 days preceding the appointment since the Percocet was prescribed at an emergency room visit which occurred 122 days prior to the drug test at issue. Moreover, the appellant did not provide a letter from the emergency room physician stating that the prescription provided to the appellant was to be taken over the course of an extended period of time on an as needed basis. Thus, the appointing authority argues that even if the prescription medication caused the positive drug

test, the appellant has failed to timely verify his prescriptions within the rules of its policy.

### CONCLUSION

*N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)3*, states that an eligible who is physically unfit to effectively perform the duties of the position may be removed from the eligible list. *N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*, also states that an eligible may be removed from an eligible list for other sufficient reasons as determined by the Civil Service Commission.

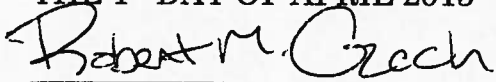
In the instant matter, the appointing authority had sufficient cause to remove the appellant's name from the eligible list. The appellant had until June 7, 2014 to submit a verification of prescription for the Oxycodone and Opiates. Even if the Commission were to accept the appellant's premise that he only started using the prescription of Norco after running out of the Percocet, the appellant failed to provide factual proof that he timely submitted documentation verifying his prescription for Opiates. He provides no specific evidence that he submitted his letter from his primary physician in a timely fashion. Such a failure to cooperate with the employment process, by itself, constitutes other sufficient cause for removal from the Correction Officer Recruit eligible list. *See e.g., In the Matter of Melissa Puryear-McDuffie* (MSB, decided November 8, 2007.)

### ORDER

Therefore, it is ordered that this appeal be denied and the name of Anthony Dimitri be removed from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections.

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 1<sup>st</sup> DAY OF APRIL 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

**Inquiries  
and  
Correspondence**

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

**c: Anthony Dimitri  
James J. Mulholland  
Jennifer Rodriguez  
Kenneth Connolly**