

STATE OF NEW JERSEY

In the Matter of Jackella Blackwell,  
Telephone Operator (S0449U),  
Ancora Psychiatric Hospital

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2863

List Removal Appeal

ISSUED: AUG 01 2017 (SLK)

Jackella Blackwell appeals her removal from the eligible list for Telephone Operator (S0449U), Ancora Psychiatric Hospital (Ancora), on the basis of falsification of her pre-employment application and an unsatisfactory employment history.

By way of background, the appellant's name appeared on certification OS160787 that was issued to the appointing authority on December 2, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that she had an unsatisfactory background. Specifically, her former employer Enroute Computer Solutions (ECS) returned an Employment Reference Request from Gayle Tegaler, a Human Resource Manager, indicating that the appellant was employed with it from July 13, 2009 to October 14, 2011, her performance was "barely adequate" and it would not reemploy her.

On appeal, the appellant presents that she has only received one write up in her four years of employment as a part-time provisional Institutional Telephone Operator for Vineland Developmental Center (Vineland). She asserts that she has always been a hard worker, a team player, and has seldom been tardy or absent. The appellant indicates that Ancora offered her a full-time position in the subject title pending a background check. She argues that her work at ECS was technical in nature and is not relevant to her current work as an Institutional Telephone Operator. The appellant submits a letter of reference from William Felton, a Human Resource Manager for ECS, which states that her employment was from July 13, 2009 to October 14, 2011 and that she was a dependable and conscientious employee who had good working relationships with her co-workers. She also submits returned Employment Reference Requests from Frances Balleste, Vice President - Administration for ECS, who indicates that her employment was from May 2008 to

August 2010 and that her attendance and performance was "good" and Chris Ochlan, Chief Financial Officer for ECS, who indicates that she was employed from August 2009 to October 2011 and her performance was "good" and her attendance was "excellent." The appellant also expresses concern that her removal from the subject list will affect her employment as an Institutional Telephone Operator for Vineland.

In response, Ancora presents that an applicant may be removed from a list for making a false statement. It submits the appellant's employment application where she indicated that her dates of employment with ECS were from 1998 to 2011. Accordingly, Ancora argues this falsification is an additional reason for her removal. However, Ancora is only requesting that the appellant be removed from being certified to its facility.

Although given the opportunity, the appellant did not submit any information or arguments in response to the appointing authority's claim that she falsified her application.

### 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.

In the instant matter, Ancora presented a valid basis to remove the appellant's name from the subject list. A review of the appellant's employment application indicates that the appellant represented that she worked for ECS from 1998 to 2011.<sup>1</sup> However, the references from ECS indicate that the appellant worked for ECS from July 13, 2009 to October 14, 2011 or a similar time-period. On appeal, the appellant was given the opportunity to respond to the discrepancy, but did not. An applicant must be held accountable for the accuracy of the information submitted on an application for employment. See *In the Matter of Harry Tisch* (CSC, decided October 19, 2016). See also *In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991). Further, the discrepancy is material as the appellant greatly misrepresented the number of years of employment that she had with ECS, which had the potential to affect Ancora's decision to offer her employment subject to her background check.

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<sup>1</sup> A review of the appellant's employment application indicates that she initially wrote that she started with ECS from "200" and then crossed that out and wrote that she started in 1998.

See *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003).

Some other issues need to be addressed. Initially, as there are sufficient grounds to remove the appellant based on her falsification as described above, there is no need to decide whether she had an unsatisfactory employment history. Further, regarding the appellant's concerns regarding her employment with Vineland, personnel records indicate that the appellant responded late to certification OS160849 for a position as an Institutional Telephone Operator. Thereafter, the appellant's name was removed from that list and the appellant was separated from employment from Vineland. Further, agency records do not indicate that the appellant appealed her removal from the Institutional Telephone Operator (S0433U), Statewide list. As such, her concern regarding the affect that this matter has on her employment in her prior position is moot. In reference to Ancora's request to only remove the appellant from being certified to its facility, as the appellant is being removed "for cause," namely falsification, the appellant's name shall be removed from the Statewide list.

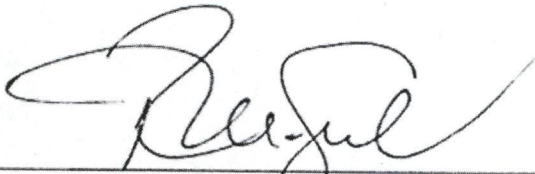
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Telephone Operator (S0449U) eligible list

#### ORDER

Therefore, it is ordered that this appeal be denied.

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 26<sup>th</sup> DAY OF JULY, 2017



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Civil Service Commission

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c: Jackella Blackwell  
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Kelly Glenn

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION  
THE DAY OF JULY 2017



Robert M. O'Connell  
Civil Service Commission