

STATE OF NEW JERSEY

In the Matter of Jean Saimpris Silva,
Human Services Assistant (Special)

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-3531

List Removal Appeal

ISSUED: **SEP 08 2017** (SLK)

Jean Saimpris Silva appeals his removal from the eligible list for Human Services Assistant (Special) for failing to respond to the certification notices.

By way of background, on September 18, 2014, a notice was sent to the appellant indicating that his name had been certified to the New Jersey Memorial Home Vineland (Memorial Home Vineland) from the Human Services Assistant special reemployment list (SRL) on certification OS140437. However, the appellant failed to respond to the certification notice and the notice removing his name from the list was mailed to him on or about February 20, 2015. Additionally, on January 21, 2015, a notice was sent to the appellant indicating that his name had been certified to the Department of Military and Veterans Affairs (Military and Veterans Affairs) from the Human Services Assistant SRL on certification OS150030. However, the appellant failed to respond to the certification notice and the notice removing his name from the list was mailed to him on or about July 13, 2015. The appellant's appeal to have his name restored to the Human Services Assistant SRL was postmarked May 3, 2017.

On appeal, the appellant presents that he is currently employed as a Human Services Assistant by the New Jersey Veterans Memorial Home Paramus. He indicates that he moved from his former address in Paterson to his current address in Paterson in August 2015 and asserts that this is why he never received any correspondence from this agency.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being applied.

N.J.A.C. 4A:4-3.2(e) provides that it shall be the responsibility of an eligible to keep a current address on file with the Civil Service Commission (Commission).

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for non-compliance with the instructions listed on the notice of certification.

N.J.A.C. 4A:4-6.3(b) provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

Initially, it is noted that the appellant received notice that his name was certified from SRLs for the Memorial Home Vineland and Military and Veterans Affairs prior to August 2015, which is when he indicates that he moved. However, a candidate is required to respond to each certification that he or she receives and as the appellant did not, good cause was present to remove his name from the Human Services Assistant SRL. Further, a candidate has 20 days to appeal. However, the appellant's appeal was not postmarked until May 3, 2017, which is well after 20 days from the dates notices were sent in February and July 2015. Moreover, on the Commission's website, candidates are informed that it is the candidate's responsibility to provide the Commission with their proper mailing address. Therefore, the appellant should have advised this agency in August 2015 that he moved. However, he failed to do so and consequently this appeal cannot be granted.

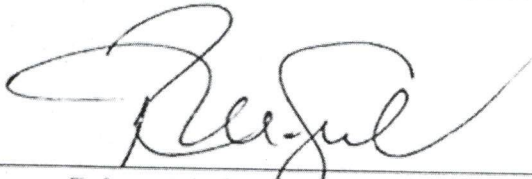
Accordingly, the appellant has not met his burden of proof in this matter and both appointing authorities have shown sufficient cause for removing his name from the Human Services Assistant SRL.

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 6th DAY OF SEPTEMBER, 2017



Robert M. Czedh, Chairperson
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