



STATE OF NEW JERSEY

In the Matter of Jonathan Mattos,
Fire Fighter (M1556T), Newark

CSC Docket No. 2020-227

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

List Removal Appeal

ISSUED: OCTOBER 25, 2019 (SLK)

Jonathan Mattos appeals his removal from the eligible list for Fire Fighter (M1556T), Newark on the basis that he failed to respond to the certification notice.

The appellant took the open competitive examination for Fire Fighter (M1556T), which had an August 31, 2015 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant failed to respond to certification OL181121. The notice was sent on or around October 24, 2018.

On appeal, the appellant presents that he was deployed overseas with the Marines when he was required to reply to the subject certification. He submits paperwork which confirms that he was on active military duty between July 5, 2018 and September 19, 2019.

Although given the opportunity, the appointing authority did not respond to the appeal.

CONCLUSION

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.

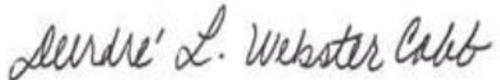
In the instant matter, the appellant submits documentation to confirm his claim that he was on active military duty at the time he was sent the certification notice. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Fire Fighter (M1556T), Newark. Since the M1556T eligible list expired on March 28, 2019, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

ORDER

Therefore, it is ordered that this appeal be granted and the list for Fire Fighter (M1556T), Newark be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities 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 23rd DAY OF OCTOBER, 2019



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