



## STATE OF NEW JERSEY

In the Matter of Michelle Marchese, :  
 Supervising Family Service Specialist :  
 2 (PS4837K), Department of Children :  
 and Families :

FINAL ADMINISTRATIVE  
 ACTION OF THE  
 CIVIL SERVICE COMMISSION

CSC Docket No. 2019-3432

Request for Reconsideration

ISSUED: October 25, 2019 (RAM)

Michelle Marchese requests reconsideration of the attached final decision of the Civil Service Commission (Commission) rendered on May 22, 2019, denying her appeal to submit a late application for the Supervising Family Service Specialist 2 (SFSS2) (PS4837K), Department of Children and Families (DCF), examination.

By way of background, as set forth in the prior decision, the appellant explained that she had been experiencing stress since 2013, when her mother was diagnosed with cancer. She was also managing a busy workload which caused her to mistakenly apply for the higher-level supervisory examination of Supervising Family Service Specialist 1 (SFSS1) (PS4823K), DCF, which the Division of Agency Services determined that she was below the minimum requirements in experience. The Commission found that the petitioner's argument regarding personal circumstances in dealing with the health issues of a family member and her job functions during the filing period was insufficient to overcome her failure to apply for the correct examination. Therefore, the Commission denied the petitioner's appeal.

In her request for reconsideration, the petitioner reiterates the arguments of why she should be permitted to submit a late application for the subject examination. She maintains that she successfully applied for a previous supervisory examination in 2015. The petitioner also asserts that she recently became aware that a co-worker, who never applied for and/or paid the application fee, was mistakenly given the opportunity to take the subject examination that was administered on May 4, 2019. It is noted that the petitioner does not identify the co-worker by name. The petitioner argues that this supports her claim that anyone can make a mistake. She thus urges the Commission to reconsider its decision.

## CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. A review of the record in the instant matter reveals that reconsideration is not justified.

The petitioner reiterates that her extenuating personal circumstances should have been taken into consideration as justification for why she applied for the incorrect examination. In addition, the petitioner now asserts that she recently became aware that a co-worker who never applied for and/or paid the application fee was allowed to take the subject examination held on May 4, 2019. She believes an error may have occurred, which allowed that individual an opportunity to take the subject examination.

However, the petitioner has not presented any new evidence that would change the outcome of her case. She reiterates her arguments as to why she should be allowed to file a late application which the Commission found insufficient. In that regard, as set forth in the Commission's prior decision, over 900 hundred applicants filed for the correct examination by the closing date. Further, the petitioner has not shown that a clear material error occurred on the part of the Commission that allowed an individual, who did not apply for and/or pay the application fee to sit for the subject examination. The appellant does not identify this individual and whether her co-worker has similar circumstances. Nonetheless, if an error occurred in that regard, it does not present a sufficient reason to allow her to file for the subject examination. Accordingly, the Commission finds no grounds on which to grant reconsideration of its prior decision.

## ORDER

Therefore, it is ordered that this request for reconsideration 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 23<sup>rd</sup> DAY OF OCTOBER, 2019

*Deirdre L. Webster Cobb*

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Christopher Myers  
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Attachment

c: Linda Dobron  
Kelly Glenn  
Record Center



STATE OF NEW JERSEY

In the Matter of Michelle Marchese,  
Supervising Family Service Specialist  
2 (PS4837K), Department of Children  
and Families

FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2019-2010

Examination Appeal

ISSUED: MAY 24, 2019 (RAM)

Michelle Marchese requests to be permitted to submit a late application for the Supervising Family Service Specialist 2 (PS4837K), Department of Children and Families (DCF), examination.

By way of background, the promotional examinations for Supervising Family Service Specialist 2 (PS4837K) and Supervising Family Service Specialist 1 (PS4823K), DCF, were announced with closing dates of October 22, 2018, in the same unit scope. The majority of applicants filed for the correct examination. It is noted that over 900 candidates were found eligible to take the PS4837K examination, which was administered on May 4, 2019.

The appellant asserts that she mistakenly applied for the Supervising Family Service Specialist 1 (PS4823K), DCF, examination<sup>1</sup> when she should have applied for the Supervising Family Service Specialist 2 (PS4837K), DCF, examination. The appellant explains that she has been experiencing stress since 2013, when her mother was diagnosed with cancer. She is responsible for bringing her mother to doctor's appointments and weekly treatments. Moreover, during the time of the examination announcements, the appellant states that she was managing a busy workload and mentoring and providing guidance to other employees just coming into the Intake Tier process. This played a role in her mistakenly not filing for the subject examination. The appellant notes that this was the first time an error

<sup>1</sup> The appellant was found ineligible for PS4823K for being below the minimum requirements in experience.

occurred regarding an examination filing, as she previously was successful in applying for an examination and being placed on an eligible list. In support of her appeal, the appellant outlines the duties of her position, submits a letter from her office manager endorsing her to take the subject examination, and presents her performance reviews with interim and final ratings of "3." Thus, she requests that she be permitted to file for the PS4837K examination.

### CONCLUSION

*N.J.A.C. 4A:4-6.3(b)* states that, except for disqualification for medical or psychological reasons, the appellant shall have the burden of proof in examination and disqualification appeals.

In the instant matter, the explanation submitted by the appellant regarding personal circumstances in dealing with the health issues of a family member and her job functions during the filing period are insufficient to overcome her failure to apply for the correct examination. While the Commission sympathizes with the appellant's personal circumstances, the fact remains that more than 900 applicants filed for the correct examination by the closing date. Further, *In the Matters of Supervising Family Service Specialist 2 (PS1035K), Supervising Family Service Specialist 2 (Bilingual in Spanish and English) (PS1036K), Supervising Family Service Specialist 1 (PS1032K), Supervising Family Service Specialist 1 (PS1015K), and Family Service Specialist 1 (PS2267K), Department of Children and Families, (CSC, decided October 19, 2016)*, the Commission determined that it would not permit applicants who file for an incorrect examination symbol to file a late application for the correct symbol given that there are numerous warnings provided to ensure the proper symbol is used when initially applying for the test. Accordingly, based on the foregoing, there is not a sufficient basis to grant the appellant's request.

### ORDER

Therefore, it is ordered that this request 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 22<sup>nd</sup> DAY OF MAY, 2019

*Deirdre' L. Webster Cobb*

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Director  
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