



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Christopher
Pellegrino, Fire Fighter (M1557T),
North Hudson Regional Fire and
Rescue

Administrative Appeal

CSC Docket No. 2019-3023

ISSUED: February 27, 2020 (SLD)

Christopher Pellegrino, represented by Michael L. Prigoff, Esq., appeals the North Hudson Regional Fire and Rescue’s (North Hudson) request to remove his name from the eligible list for Fire Fighter (M1557T), on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open competitive examination for Fire Fighter (M9999T), All Jurisdictions, which had a closing date of August 31, 2015. Lists were created for the various jurisdictions listed in the subject announcement from this pool of candidates. For example, the symbol number for Jersey City was M1544T and it was M1557T for North Hudson. The resulting eligible lists promulgated on March 11, 2016 and expired on March 28, 2019.¹ On June 21, 2018, the appellant’s name was certified (OL180630) to Jersey City from the M1544T list. On October 17, 2018, the appellant’s name was certified (OL181118) to North Hudson from the M1557T list. Jersey City returned the OL180630 certification to this agency, indicating the appointment of the appellant to the title of Fire Fighter, effective October 8, 2018.² It is noted that this agency approved the disposition of the OL180630 certification on December 7, 2018. As a result of this appointment, the appellant’s name was removed from the pool of eligibles for all jurisdictions for the title of Fire Fighter. *See N.J.A.C. 4A:4-4.7(h)*. Thereafter, North Hudson returned the OL181118 certification, requesting the appellant’s removal due to his failure to respond to the certification notice which

¹ The original expiration date of March 10, 2018 was extended until the new list promulgated.

² Agency records indicate he resigned in good standing, effective October 29, 2018.

was dated October 24, 2018. This agency approved the disposition of this certification on August 13, 2019.

On appeal, the appellant maintains that he had properly updated his address with this agency, yet the certification notice for North Hudson was mailed to his old address, instead of his new address. He notes that the certification notice for Jersey City was mailed to the correct address, and he had been assured by staff of this agency that his address was corrected. In support, he submits a certification.

The appointing authority, despite being provided the opportunity, did not present any arguments or documentation for the Commission's review.

Agency records indicate that the appellant's address was updated in the Revised Automated Placement System (RAPS) database on February 23, 2018. However, when the certification to North Hudson was issued, the notice generated was from the Examination System database which still contained the appellant's old address.

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), 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 her name from an eligible list was in error.

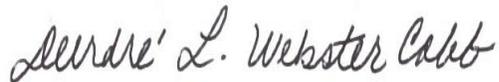
The appointing authority requested the removal of the appellant's name from the eligible list for Fire Fighter (M1557T) on the basis of her failure to respond to the October 17, 2018 certification (OL181118). However, the appellant has submitted a certification attesting to the fact that he did not receive the certification notice and that he had updated his address. Moreover, agency records indicate that although the appellant's address had been updated on February 23, 2018, it was not used when issuing the list for North Hudson. Thus, there is a basis to grant his appeal. However, individuals whose names merely appear on an eligible list do not have a vested right to appointment. See *In re Crowley*, 193 *N.J. Super.* 197 (App. Div. 1984), *Schroder v. Kiss*, 74 *N.J. Super.* 229 (App. Div. 1962). Rather, the only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. See *Nunan v. Department of Personnel*, 244 *N.J. Super.* 494 (App. Div. 1990). Accordingly, while the Civil Service Commission will grant the appellant's appeal, since his name was removed from the pool list due to appointment by Jersey City, it is appropriate that his name only be restored to the M1557T eligible list for North Hudson, for prospective employment opportunities only.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Fire Fighter (M1557T), North Hudson be revived in order for the appellant to be considered for appointment at the time of the next certification to North Hudson 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 26TH DAY OF FEBRUARY, 2020



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