

STATE OF NEW JERSEY : : FINAL ADMINISTRATIVE In the Matter of Ryan Heussler, ACTION : Police Officer (S9999U), City of **OF THE** : Newark : CIVIL SERVICE COMMISSION : : : List Removal Appeal CSC Docket No. 2019-2112 : :

**ISSUED: APRIL 17, 2020** (VJ)

Ryan Heussler appeals the removal of his name from the eligible list for Police Officer (S9999U), City of Newark due to his failure to complete preemployment processing.

By way of background, the subject eligible list promulgated on March 29, 2017 and expired on March 30, 2020. The appellant was certified to the appointing authority on May 23, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to his failure to complete preemployment processing. Specifically, the appointing authority indicated that it sent a letter to the appellant, dated June 1, 2018, stating that he was scheduled for pre-employment processing screening on June 8, 2018. The letter specifically stated failure to keep this appointment or to notify the appointing authority of his absence could result in his name being removed the certification. However, he did not appear.

On appeal, the appellant acknowledges that he received the June 1, 2018 letter notifying him of his appointment. However, he maintains that as he believed he had "deferred" the appointment with Newark he ignored the letter. Although on appeal he acknowledges that his letter to Newark did not request deferment, but instead indicated he was interested in the position. Therefore, he argues that his name be restored to the subject eligible list.

## CONCLUSION

N.J.A.C. 4A:4-4.7(a)3 provides, in pertinent part, that the name of an eligible may be removed from an eligible list for inability, unavailability or refusal of an eligible to accept appointment. Additionally, 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 the appellant's name from an eligible list was in error.

In the instant matter, the record demonstrates that a pre-employment processing letter dated June 1, 2018 was sent to the appellant notifying him of his scheduled date of June 8, 2018. On appeal the appellant acknowledges that he received the letter but did not appear as he "believed" that he had deferred the appointment. However, he fails to explain why he did not contact the appointing authority regarding the June 1, 2019 scheduling letter in order to clarify matters. The letter specifically stated that failure to keep this appointment or to notify the appointing authority of his absence could result in his name being removed the certification. Therefore, as the appellant acknowledges that he did not complete preemployment processing there is not a sufficient reason to restore his name to the subject eligible list. Accordingly, the appellant has not met his burden of proof in this matter.

## 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 the judicial forum.

DECISION RENDERED BY THE CIVIL SERVICE COMMISSION ON THE 15<sup>TH</sup> DAY OF APRIL, 2020

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Deirdre L. Webster Cobb Chairperson Civil Service Commission

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