B-12

STATE OF NEW JERSEY

In the Matter of Edward Fortune, Entry Level Law Enforcement Examination (S9999R), Statewide	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket No. 2015-489	:	Examination Appeal

ISSUED: APR - 2 2015 (JH)

Edward Fortune requests that his application for the Entry Level Law Enforcement Examination (S9999R), Statewide be processed.

By way of background, Mr. Fortune's application for the subject test was initially accepted and he was scheduled to take the subject test on November 16, 2013 at 8:30 a.m. at Bloomfield Middle School in Bloomfield. Subsequently, his echeck for the application processing fee was returned for insufficient funds. On September 6, 2013, the Division of Selection Services sent Mr. Fortune email notification that his fee had been returned as invalid and indicated that a money order in the amount of $50.00 must be submitted by September 23, 2013 in order to process his application.

On appeal, Mr. Fortune submits a signed sworn statement in which he explains that he sat for the subject test. However, when he did not receive a scoring notice, he contacted the Division of Selection Services on May 12, 2014 and he was informed that his "payment was returned back to my bank account days later." Mr. Fortune states that his bank account "showed no signs of a payment being returned[. A]lso[,] I had no acknowledgement of an email being sent out."

CONCLUSION

N.J.A.C. 4A:4-2.17 provides, in part, that a processing fee shall be charged for each open competitive and promotional examination application and the fee shall be submitted with the application. *See N.J.A.C.* 4A:4-2.17(a) and (b). *N.J.A.C.* 4A:4-

2.17(c) provides that applications received without a fee shall not be processed unless the applicant submits the required fee within the prescribed time frame.

In the present matter, Mr. Fortune has submitted a signed sworn statement that he did not receive notification by email that his processing fee was invalid. Generally, the Commission is willing to accept that if an individual is prepared to make a statement under oath, understanding all its implications and consequences, then it is proper to permit the presumption of receipt to be overcome. In actuality, there is no other alternative for a candidate. It is not possible to prove a negative, *i.e.,* that email was not received. If the Commission did not accept a sworn statement averring that email was not received, there would be no remedy at all for individuals who find themselves in this particular situation.

The application processing fee of $50.00 in the form of a money order should be forwarded within 20 days of receipt of this decision to: New Jersey Civil Service Commission, OAS Fee Support, P.O. Box 322, Trenton, New Jersey 08625-0322. Failure to submit the processing fee within the time provided will result in rejection from the examination process.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed contingent upon receipt of the requisite processing fee within 20 days of receipt of this decision, and he be notified of his score and rank.

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 1ST DAY OF APRIL, 2015

Robert M. Czech
Chairperson
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and
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