B-21

STATE OF NEW JERSEY

In the Matter of Terrence Whitley, Jr., Police Officer (S9999R), Newark	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket No. 2015-2309	:	Administrative Appeal

ISSUED: MAY 0 8 2015 (JET)

Terrence Whitley, Jr., requests that his name be added to the January 7, 2015 certification for Police Officer (S9999R), Newark.

By way of background, the subject examination was announced with a closing date of September 4, 2013 and all applications had to have been received by that date. A review of the record indicates that appellant listed a Newark address on his application and a Belleville Township residency code (0701). On March 23, 2015, the appellant submitted a sworn statement to this agency indicating he was residing in Newark when he applied for the subject examination. In this regard, the appellant asserted, among other things, that his application should have reflected the residency code for Newark (0714). The appellant contacted this agency and stated that the residency code for Belleville Township was erroneous and was incorrectly stated on the employment application. The Division of Agency Services (Agency Services) processed the appellant's request and changed the residency code to Newark for prospective opportunities. It is noted that the subject list was certified to Newark on January 7, 2015 (OL150019) and has a disposition due date of July 7, 2015.

On appeal, the appellant asserts that he did not make the error regarding the residency code when he applied for the subject examination. Specifically, he states that the error was apparently made by this agency. As such, he states that the residency code should be amended with a retroactive date to the time he applied for the subject examination so his name will appear on the current certification.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date.

On the subject announcement, candidates were instructed that they must read the 2013 Law Enforcement Examination Fact Sheet. The Fact Sheet specifically states, "You must be a legal resident of the jurisdiction you list as your residency as of the closing date, September 4, 2013." Thus, candidates were on notice regarding residency requirements.

In the present matter, the announcement clearly indicated that the last date for filing an application was September 4, 2013. The appellant submitted a sworn statement in which he indicates that that the Belleville Township residency code was incorrectly indicated on the application for the subject examination. In response to his request, Agency Services amended his application to reflect a Newark residency code with a current effective date. As such, his name was correctly added to the list for future prospective employment opportunities only.

Although the appellant submitted a sworn statement indicating that he lived in Newark at the time he submitted the application and Belleville Township was indicated in error as the residency code, agency records reflect that the residency code for Belleville Township was indicated on the original application, contrary to his contentions. In this regard, the online application filed by the appellant allows an applicant to select a city from a drop down menu, and subsequently automatically populates the residency code field (see Figure 1).

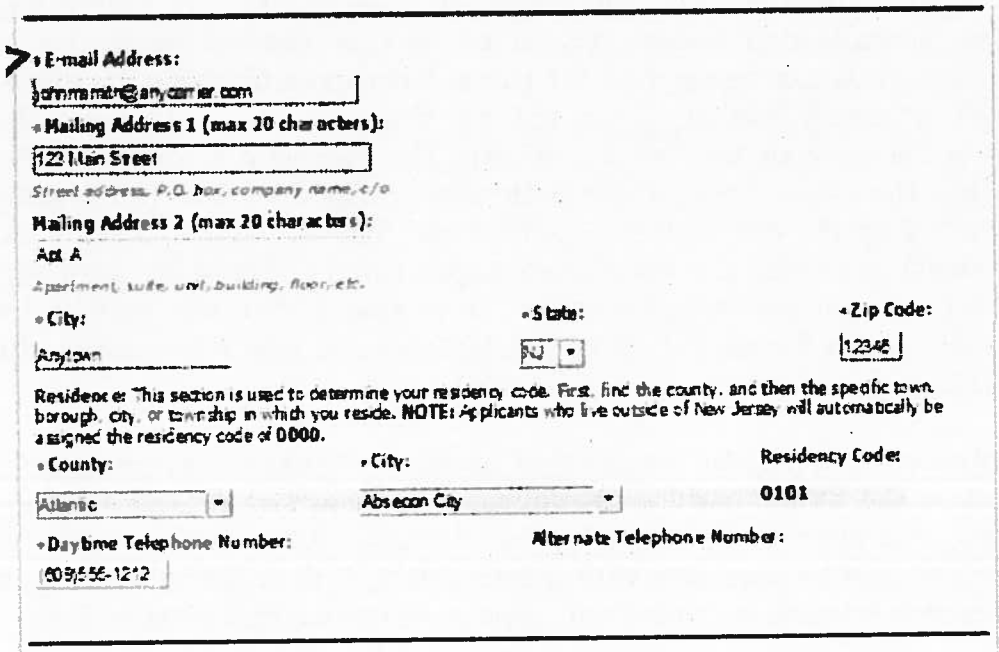

Figure 1

Accordingly, the appellant's contention that the error was made by this agency is unpersuasive. Moreover, the only circumstance when an individual's name is added to a current certification is where there is a demonstrated error by this agency. *See In the Matter of Michael Lenz* (CSC, decided May 16, 2012). Thus, because there was no evidence of an error by this agency, the relief the appellant received was prospective in nature and there is no basis on which to place his name on the outstanding certification. Further, it is noted that the appellant does not have a vested right to an appointment. *See In re Crowley,* 193 *N.J. Super.* 197 (App. Div. 1984); *Schroder v. Kiss,* 74 *N.J. Super.* 229 (App. Div. 1962). The only interest that results from placement on an eligible list is that the candidate will be considered for appointment as long as the eligible list remains in force. *See Nunan v. Department of Personnel,* 244 *N.J. Super.* 494 (App. Div. 1990). Accordingly, the appellant's name will appear on the (S9999R), Newark eligible list for future prospective employment opportunities only.

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 a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 6th DAY OF MAY, 2015

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