STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kenneth Lee, Police
Sergeant (PM5107X), Newark

List Removal

CSC Docket No. 2016-1948

ISSUED: **NOV 2 9 2016**   (SLK)

    Kenneth Lee appeals the removal of his name from the eligible list for Police Sergeant (PM5107X), Newark, due to his failure to respond to the certification notice.

    By way of background, the appellant's name appeared on certification PL151174 that was issued to the appointing authority on October 23, 2015. The certification contained 22 names and 15 eligibles were appointed. The list expired on November 30, 2015. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to his failure to respond to the certification notice. A review of personnel records indicates that the appellant advised the Civil Service Commission (Commission) of his current address on December 4, 2015.

    On appeal, the appellant states that the test for Police Sergeant (PM5107X) was administered in June 2013 and that he never received the subsequent certification notice associated with (PM5107X). He presents that he moved from the address, 129 3rd Avenue, Newark, New Jersey, that he provided for (PM5107X) in order to care for his mom who was ill and to mend from a work injury. The appellant indicates that his mother passed away in March 2015. He maintains that

the police department was aware of his new address. The appellant states that he has changed his address with the Commission.[1]

Although provided the opportunity, the appointing authority did not submit any additional information or argument for the Commission to review.

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." Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

In the instant matter, the appointing authority had sufficient reason to remove the appellant's name from the subject eligible list. The notice for certification PL151174 was sent on October 30, 2015. Personnel records indicate that the appellant did not notify the Commission of his current address until December 4, 2015. While the appointing authority may have known the appellant's current address, it is the candidate's responsibility to provide the Commission with an updated address. *See In the Matter of Deborah McDermott* (MSB, decided April 18, 2000), (Appellant removed from list for failure to update her mailing address).

Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Sergeant (PM5107X), Newark eligible list.
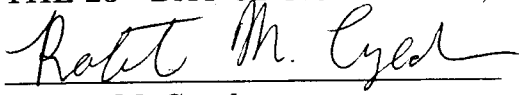
ORDER

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.

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[1] The appellant also comments that his department recently promoted 14 African-Americans and 1 Hispanic to the subject title. He represents that although he is only listed as Hispanic on the subject eligible list, his parents are African-American and Hispanic. The appellant states that he was number 5 on the eligible list. He indicates that he did not receive the notice for certification PL151174 because of an address change and that the process for filling a position in the subject title began when his grandfather needed care. He presents that his grandfather has recently passed away.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23rd DAY OF NOVEMBER, 2016

Robert M. Czech
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