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STATE OF NEW JERSEY

In the Matter of Sarah Dozier, Senior
Therapy Program Assistant (Special),
Hunterdon Developmental Center

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-231

List Removal Appeal

ISSUED: NOV 17 2017 (SLK)

Sarah Dozier appeals her removal from the eligible list for Therapy Program Assistant (Special), Hunterdon Developmental Center, for failing to respond to the certification notice.

By way of background, on or around January 15, 2016, the appellant received notice that her name was removed from the Therapy Program Assistant special reemployment list (SRL) for her failure to respond to certification PS250691, Hunterdon Developmental Center (Hunterdon). Agency records do not indicate that the appellant appealed her removal from that certification. On or around February 17, 2016, the appellant received notice that she was being removed from the Therapy Program Assistant SRL for her failure to respond to certification PS151853, Greystone Park Psychiatric Hospital (Greystone). The appellant appealed and her name was restored to the list. On or around March 16, 2017, the appellant received notice that her name was removed from the Therapy Program Assistant SRL for her failure to respond to certification PS150314, New Lisbon Developmental Center (New Lisbon). The appellant again appealed and her name was restore to the list. Finally, on or around June 7, 2017, the appellant received notice that her name was removed from the Therapy Program Assistant SRL for her failure to respond to certification PS170743, Hunterdon, which is the subject of this appeal.

On appeal, the appellant submits a notarized sworn statement that states, "My delay in reply to the notice was due to the fact that, I got the certification late/was misplaced by my kids. Sorry for the error." Although given the opportunity, the appointing authority did not respond to the appellant's appeal.

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) 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.

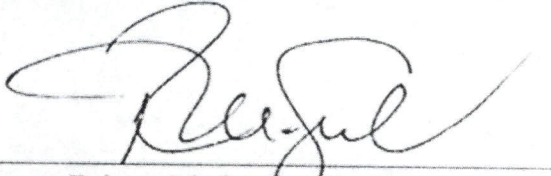
The Civil Service Commission initially notes that it is unclear how the appellant's name remained on the subject SRL as she did not appeal her removal from certification PS250691, Hunterdon, which was prior to the other certification disposition notices for this SRL. Regardless, the appellant received a second chance when her name was certified on PS151853, Greystone. She again failed to respond, but her name was restored to the SRL after she appealed. Thereafter, for the third time, the appellant failed to respond to a certification, PS150314, New Lisbon and her name was restored again after she appeal. Now, the appellant, on her fourth chance on the subject SRL and second time with Hunterdon, was removed for failing to respond to PS170743. The appellant submits a notarized sworn statement, which acknowledges that she received her notice of certification but that she responded late to the certification notice since it was "misplaced." However, the appellant has not provided any evidence that she actually responded. Further, even if she had responded late, this would still be a valid reason for the appointing authority to remove her name from the subject SRL, especially since she acknowledges that it was her error and this is her fourth opportunity from this SRL. Accordingly, the appellant has failed to meet her burden of proof and the appointing authority has shown sufficient cause for removing her name from the Therapy Program Assistant SRL.

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 ON
THE 15th DAY OF NOVEMBER, 2017



Robert M. Czedo, Chairperson
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