



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Ricky Derisca,
Firefighter (M1536T), Hamilton

CSC Docket No. 2018-1356

List Removal

ISSUED: April 10, 2018 (RE)

Ricky Derisca appeals removal of his name from the Firefighter (M1536T), Hamilton eligible list due to his failure to appear for the Physical Performance Test (PPT).

By way of background, the appellant's name appeared on the Firefighter (M1536T) eligible list and was certified to Hamilton on August 1, 2017. All candidates on the certification were contacted via email and scheduled to take the PPT. The appellant was sent an email on August 18, 2017 and told that he had been scheduled to take the PPT on September 19, 2017 at 11:00 am, and given the location of the exam, and a medical clearance form. He did not appear for the PPT, and his name was removed from all Fire Fighter lists on which his name appeared. On appeal, the appellant maintains that he did not receive any notification to take the PPT. He states that there was a misprint on his contact information (email address) which resulted in his not receiving the information. He states that he previously submitted a change of address both online and in person.

CONCLUSION

In reply, a 2015/2016 Fire Fighter Memo of Understanding regarding the Physical Performance Examination was provided to all candidates prior to taking the multiple-choice portion of the examination. Candidates were required to sign this form in order to continue with the examination process. The appellant signed this form on October 24, 2015. This memo indicated that candidates would be contacted via email and scheduled to take the PPT. Therefore, they were

specifically advised that it was their responsibility to keep a current email address on file with this Agency and should check spam folders for emails. Accordingly, while candidates are required to keep an accurate mailing address on file, this has no bearing on receipt of the scheduling for the PPT, as that particular notification was provided by email. Thus, ensuring proper receipt of the electronic notice was the candidate's responsibility. Agency records indicate that an email was sent on August 18, 2017 to the address provided by the appellant on his application. The email was not returned as "undeliverable" by the computer system, which would have indicated that an invalid email address was used. The appellant filed an email address change on October 23, 2017, over two months after the notification of the PPT scheduling date was sent to him and over a month after the scheduled PPT.

Additionally, the New Jersey Fire Fighter Examination (NJFFE) Post-Written Test Timeline and Candidate Responsibilities document was given to all candidates, and is available on the Commission's web site. This document states that, "If you fail the PPT, do not show up for your scheduled PPT date and time, or do not provide a properly completed and signed medical clearance form, you will be removed from ALL firefighter lists." See *N.J.A.C.* 4A:4-2.15(b)2. The appellant has not satisfied his burden of proof in this matter and sufficient cause exists to remove his name from all of the Fire Fighter lists on which his name appears.

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 4TH DAY OF APRIL, 2018



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