

In response, the appointing authority maintains that the appellant's name should be removed from the eligible list due to falsification and for failure to disclose information in response to the questions listed on the employment application. In support, the appointing authority provides a special report dated August 30, 2017 pertaining to the appellant's background investigation that it conducted. The report states that, in a prior employment application the appellant submitted for a State Police position, he indicated that he had applied for law enforcement positions with the Egg Harbor Township and the Rutgers Police Departments. However, he did not list such information on his current application for employment. It adds that the appellant was previously fingerprinted and disqualified from employment with the Las Vegas Police Department which was not disclosed on his current employment application. In addition, the report explains that the appellant did not disclose that, while he was employed as a County Police Officer in Camden, multiple internal affairs complaints and a written reprimand were filed against him. It adds that he failed to list that he had signed a settlement agreement with Camden County on the condition that he would not seek future employment with that agency. Rather, he incorrectly listed that he had separated from employment because he no longer wanted to serve with that agency. Moreover, the report asserts that the appellant failed to list that he had applied for and was disqualified from employment consideration for positions with the Cherry Hill and Philadelphia Police Departments.

In response, the appellant explains that the June 16, 2015 settlement agreement he entered into with Camden County states that if any employer contacts Camden County pertaining to his employment with that agency, it will only disclose the dates of his employment and that he resigned in good standing. As such, the appellant argues that the settlement agreement confirms that he resigned in good standing. Further, the appellant states that he was not rejected from employment consideration by any agency. He adds that he did not receive notice from Rutgers and Las Vegas that he had been rejected from employment consideration by those agencies. The appellant contends that, at the time he submitted his application to Camden County, he was still on the employment list in Las Vegas. Moreover, the appellant asserts that he did list his applications with the Egg Harbor Township and the Rutgers Police Departments on his State Police application which he disclosed to the appointing authority. Finally, he indicates that he has been serving in the United States Air Force for over 12 years. In support, the appellant provides a copy of the June 16, 2015 settlement agreement.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Commission to remove an individual from an eligible list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

In the instant matter, the appointing authority requested the removal of the appellant's name from the subject eligible list for falsification due to failure to disclose information in response to the questions listed on the employment application. The appellant argues that he did not intentionally falsify the employment application. It is clear that the appellant did not properly complete the employment application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Sheriff's Officer, to ensure that his employment application is a complete and accurate depiction of his history. In this regard, the Appellate Division of the New Jersey Superior Court in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his or her peril. See *In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

In this case, the appellant's omissions are sufficient cause to remove his name from the eligible list. The appellant did not provide any substantive information in this matter to show that he did not falsify and properly answered the questions listed on the employment application. The appellant's contention that he answered the questions to the best of his knowledge is unpersuasive since it is clear that he failed to disclose information in his background in response to the questions in the employment application. In this regard, a review of the appellant's employment application in this matter demonstrates that he failed to list that he had applied for law enforcement positions with the Egg Harbor Township and Rutgers Police Departments, as well as for positions with the Police Departments in Cherry Hill, Philadelphia, and Las Vegas. The fact that he disclosed his applications in his State Police application does not negate the fact that such information was not accurately reflected on the subject application. Further, the appellant admits on appeal that he applied and was on a law enforcement employment list in Las Vegas. Additionally, in response to question #62 on the employment application, "Were you ever rejected from the selection process of any other law enforcement organization," the appellant did not list that he was not selected for law enforcement positions in Las Vegas, Cherry Hill, and Philadelphia. With respect to the appellant's argument that he did not receive rejection notices from any agency indicating that he was disqualified from employment consideration, he does not provide any substantive documentation in support of his arguments on appeal. Regardless, he was required to accurately report his employment history on his application. Moreover, in response to question #53 on

the employment application, "Were you ever discharged or ever asked to resign from employment," the appellant did not list that he signed a Settlement Agreement indicating that he could not seek employment in the future with the Camden County Police Department. The appellant's arguments on appeal pertaining to the settlement agreement are misplaced. Although the settlement agreement indicates that future prospective employers will be informed that the appellant resigned in good standing, such information is not dispositive and did not excuse him from having to list such information on the employment application. This omission, along with the the information noted above which the appellant failed to disclose, is considered material and should have been accurately indicated on his employment application.

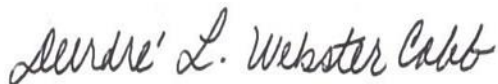
Accordingly, the appointing authority has presented a sufficient basis to remove the appellant's name from the eligible list for Sheriff's Officer (S9999U), Atlantic County.

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



Deidre L. Webster Cobb
Acting Chairperson
Civil Service Commission

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