

STATE OF NEW JERSEY

In the Matter of Alain Valbrun,
Police Officer (S9999U), West Orange

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

CSC Docket No. 2018-523

List Removal Appeal

ISSUED: APRIL 9, 2018 (SLK)

Alain Valbrun appeals West Orange’s request for the removal of his name from the eligible list for Police Officer (S9999U), West Orange, on the basis of an unsatisfactory driving record.

By way of background, the appellant’s name appeared on certification OL170351 in the 16th position that was issued to the appointing authority on March 29, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant’s name, contending that he had an unsatisfactory driving record. Specifically, the appellant’s background report (report) and driver’s abstract indicated that he had his driver’s license suspended 14 separate times between March 2002 and February 2013. The report summarized that the appellant’s cumulative suspensions equaled four years, 10 months, and one week during the 17 years he possessed a driver’s license. Further, the appellant had been arrested in 2003 by the West Orange Police Department while driving a motor vehicle and he had four open warrants at the time of this arrest.

On appeal, the appellant states that his name was removed from the list because of suspensions on his driver’s license that occurred approximately 12 years ago. He explains that his license was suspended because, at age 23, he was not able to afford to pay surcharges. The appellant presents that he is now 33 and claims that he has kept his license in good standing by paying off all the surcharges.

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)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. The Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her 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. Although the appellant claims that he has kept his license in good standing for over 10 years, a review of the appellant's driver's abstract indicates that his license has been suspended on 14 separate occasions, the most recent being February 2013. The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not he should remain eligible to be a Police Officer. These violations evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. While the Commission is mindful of the appellant's recent attempts to remedy his driving record, it is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a municipal Police Officer. 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 Officer (S9999U), West Orange 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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4th DAY OF APRIL, 2018

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