



STATE OF NEW JERSEY

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

In the Matters of Julie Gonzalez,
Supervising Family Service Specialist
1, (PS1032K), Department of
Children and Families

List Removal Appeal

CSC Docket No. 2020-1143

ISSUED: February 13, 2020 (SDW)

Julie Gonzalez appeals the removal of her name from the Supervising Family Service Specialist 1 (PS1032K), Department of Children and Families eligible list, on the basis that she failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the promotional examination for Supervising Family Service Specialist 1 (PS1032K), which had a closing date of May 23, 2016. The resulting eligible list promulgated on January 12, 2017 and expired on January 11, 2020. The appellant's name was certified to Department of Children and Families on June 28, 2019 with a notice date of July 5, 2019. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that she failed to respond to the certification notice. Certification notices instruct individuals to write to the appointing authority within five business days of the notice date to let it know whether or not the individual was interested in the position.

On appeal to the Civil Service Commission, the appellant submits a sworn, notarized statement indicating that she did not receive the July 5, 2019 certification notice.

The appointing authority, indicates it does not object to the appellant's restoration.

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), 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 her name from an eligible list was in error.

The appointing authorities requested the removal of the appellant's name from the eligible list for Supervising Family Service Specialist 1 (PS1032K) on the basis of her failure to respond to the June 28, 2019 certification. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she did not receive the July 5, 2019 certification notice. While there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting her sworn, notarized statement. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 *N.J.* 614 (1996); *Szczesny v. Vasquez*, 71 *N.J. Super.* 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Thus, it is appropriate that the appellant's name be restored to the subject eligible list. Since the PS1032K eligible list expired on January 11, 2020, it is appropriate to revive the list at the time of the next certification to allow the appellant to be considered for prospective appointment.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Supervising Family Service Specialist 1 (PS1032K), Department of Children and Families be revived in order for Julie Gonzalez to be considered for appointment at the time of the next certification for prospective employment opportunities only.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF FEBRUARY 2020



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