



STATE OF NEW JERSEY

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

In the Matter of Jordy Terrones,
Correctional Police Officer Recruit
(S9999A), Department of Corrections

CSC Docket No. 2022-840

List Removal Appeal

ISSUED: May 2, 2022 (VJ)

Jordy Terrones, represented by Ariel Alvarez, Esq., appeals the determination of the Department of Corrections to remove his name from the eligible list for Correctional Police Officer Recruit (S9999A), on the basis that he failed to respond to the notice to appear for an interview.

The appellant, a non-veteran, took and passed the open competitive examination for Correctional Police Officer Recruit (S9999A), which had a closing date of August 31, 2019. The resulting eligible list promulgated on May 15, 2020 and expires on May 14, 2023. After the appellant responded to the certification notice, the appointing authority sent an email to the appellant notifying him that he was scheduled for an interview on August 24, 2021. Subsequently the appointing authority removed the appellant's name because he "did not appear for interview."

On appeal, Terrones states that he did not receive the email or any other communication scheduling him for an interview on August 24, 2021. In support, he submits a sworn, notarized statement, indicating that he did not receive any notice of being scheduled for an interview.

Despite an opportunity to do so, no response was submitted by the appointing authority.

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.

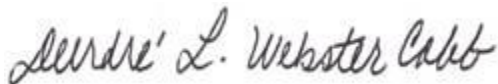
The appointing authority requested the removal of Terrones' name from the eligible list for Correctional Police Officer Recruit (S9999A), on the basis that he did not appear for an interview on August 24, 2021. On appeal, he submits a sworn, notarized statement that he did not receive the email dated August 9, 2021 scheduling him for an interview. While there is a presumption that an email was addressed correctly and was received by the party to whom it was sent, Terrones' has rebutted that presumption in submitting his 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 his name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted, and that Jordy Terrones' name be restored to the eligible list for Correctional Police Officer Recruit (S9999A), Department of Corrections for prospective employment opportunities only.

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 27TH DAY OF APRIL 2022



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