



STATE OF NEW JERSEY

In the Matter of Dennis Vincent, Fire
Fighter (M1544T), Jersey City

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

CSC Docket No. 2018-785

List Removal Appeal

ISSUED: SEPTEMBER 24, 2018 (SLK)

Dennis Vincent, represented by Michael L. Prigoff, Esq., appeals Jersey City’s request for the removal of his name from the eligible list for Fire Fighter (M1544T), Jersey City, on the basis of residing outside the residency scope.

By way of background, the appellant’s name appeared on certification OL170100 in the 25th position that was issued to the appointing authority on January 27, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant’s name contending that he resided outside the residency scope. Specifically, the appointing authority indicated that the appellant’s address on two 2017 insurance cards was in Seaside Park. Additionally, his voter profile indicated that he first voted in Jersey City in November 2016 and his prior vote was in Seaside Park in November 2014. Further, the checks that the appellant used to pay his rent in 2016 and 2017 had a Seaside Park address. Moreover, his 2015 W-2 indicated his address being in Seaside Park.

On appeal, the appellant presents that he moved to Paterson Street in Jersey City on May 1, 2015, four months before the August 31, 2015 closing date for the subject announcement. Thereafter, in August 2016, he moved to his current address on [REDACTED] in Jersey City. The appellant submits a certification from his roommate from the [REDACTED] address to confirm that he lived there from May 1, 2015 to July 31, 2015. Additionally, he submits his Hudson County Voter Profile, his 2015 federal tax return, a copy of his vehicle registration, his lease agreement for

the [REDACTED] address, and paid rent receipts for [REDACTED] to confirm his Jersey City residence. Further, the appellant certifies that he has continuously resided in Jersey City since May 1, 2015. The appellant acknowledges that he had previously lived in Seaside Park and still sometimes works there. He explains that he has a snow plowing business and the two trucks for that business are principally garaged in Seaside Heights, which is why the Seaside Park address is listed on the insurance cards. The appellant explains that he had worked for a bar in Seaside Heights since 2010 and believes that the bar's accountant most likely copied his prior address when preparing his 2015 W-2.

In support of its request to remove the appellant from the list, the appointing authority, represented by James B. Johnston, Assistant Corporation Counsel, submits the documentation it relied on in its determination.

CONCLUSION

N.J.A.C. 4A:4-2.11(e)1 provides that when an appointing authority requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment.

N.J.A.C. 4A:4-2.11(c) provides that where residency requirements have been established, residence means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;
3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent's residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver's license, motor vehicle registration, or voter registration card and other documents is the same as the claimed legal residence. Post office box numbers shall not be acceptable; and

6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.

N.J.A.C. 4A:4-2.11(h) provides that an applicant seeking to appeal a residency determination shall have the burden of proving his or her residency.

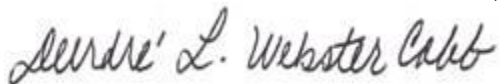
In the instant matter, the appellant has met his burden of proof that he maintained continuous residence in Jersey City from August 31, 2015, the closing date of the subject announcement, to when he was considered for appointment. The appellant submits his 2015 tax return which indicates that he lived on [REDACTED]. Additionally, his roommate certified that he lived there from May 2015 to July 2016. The appellant also submits a September 2015 cable bill in his name at the [REDACTED] address. Further, the appellant submits his lease and rent checks to confirm that [REDACTED] has been his address since August 2016. Additionally, he submits his vehicle registrations which show that the appellant resides at the [REDACTED] address. Moreover, the appellant provides reasonable explanations as to why his 2015 W-2 indicates that he lived in Seaside Park and his insurance cards indicate a Seaside Park address. Further, the appellant's voter profile is not incompatible with his claim that he has resided in Jersey City since May 2015 as it indicates that he voted in Seaside Park in 2014 and next voted in Jersey City in 2016.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the Fire Fighter (M1544T), Jersey City eligible list, 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 20th DAY OF SEPTEMBER, 2018



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