



STATE OF NEW JERSEY

In the Matter of Indigo Glover,
Correctional Police Officer (S9988U),
Department of Corrections

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2019-3136

List Removal Appeal

ISSUED: AUGUST 5, 2019 (SLK)

Indigo Glover appeals her removal from the eligible list for Correctional Police Officer (S9988U), Department of Corrections, on the basis of falsification of her employment application.

By way of background, on April 4, 2019, the appointing authority sent a notice to the appellant indicating that her name had been removed from the list for falsification of her employment application. Specifically, it indicated that the appellant failed to disclose on her application a retail theft charge in 2009, an arrest and active warrant in 2010, and a civil matter after being kicked out of her sister's home for aggressive behavior. The appointing authority determined that the appellant deliberately submitted false answers on her application.

On appeal, the appellant acknowledges that she committed a petty crime in 2010. She represents that she disclosed this on her employment application and, therefore, she argues that the appointing authority made a mistake. Additionally, the appellant asserts that contrary to the appointing authority's statements, she was never removed from her sister's house on a civil matter for aggressive behavior in 2011. She states that her sister, Letitila Glover, and she were staying in [REDACTED] at the time of the alleged incident in Pennsylvania, and she contends that this accusation against her is erroneous.

In response, the appointing authority initially argues that the appellant's omissions violated its criteria for removing a candidate from a list. It presents that its background investigation indicates that the appellant was arrested as a juvenile

in 2008 for theft/shoplifting (under \$50), arrested in 2009 for theft/shoplifting (\$50-\$200), arrested in 2010 for having an active warrant, and was involved in an incident in 2011 where the police were called three times due to a civil matter with her sister, Tanya Glover.¹ The appointing authority asserts that the appellant has a history of disruptive behavior and contact with law enforcement. It emphasizes that its criteria for removal includes failure to disclose all requested information.

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 Civil Service Commission (Commission) to remove an eligible's name from an employment 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. *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.

Initially, although the appointing authority argues that the appellant violated its criteria for removal, the Commission notes that it was not bound by criteria utilized by the appointing authority and must decide each list removal on the basis of the record presented. *See In the Matter of Debra Dygon* (MSB, decided May 23, 2000).

In the instant matter, the appointing authority did not have a valid reason to remove the appellant's name from the list. 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 his 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. In this case, a review of the appellant's application indicates that in response to question 46, she stated, "I got arrested in Pennsylvania for a warrant that I didn't know I had for retail theft which was dismissed." Additionally, her application states that she was charged with retail theft in 2010. Therefore, the Commission finds that the appellant did disclose her 2009 retail theft charge and the subsequent 2010 warrant that was associated with it. Further, the background report indicates that the appellant was involved in civil incident in 2011 with her sister, Tanya Glover, in Pennsylvania. The appellant claims that this incident never happened as she and her sister, Letitila Glover, were in West Orange. It is noted that the appointing authority has not specifically responded to the appellant's assertion that her sister and she were not involved in the alleged 2011 civil matter. Further, the appointing authority has not identified the specific question where it was asking

¹ The background report indicates that all these matters took place in Pennsylvania.

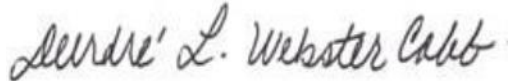
for information concerning this civil incident and it is debatable as to whether this civil incident falls under question 46, which relates to arrest history. Regardless, the record indicates that the appellant was engaged in a series of minor incidents with law enforcement from 2008 to either 2010 or 2011 as either a juvenile or a young adult. However, as the last alleged incident took place approximately five years from the August 31, 2016 closing date, there is no evidence presented that these incidents were part of a pattern of behavior that would call into question her current ability to be a Correctional Police Officer. Therefore, the Commission finds that even if the appellant did omit the 2011 incident, this information was not material.

ORDER

Therefore, it is ordered that this appeal be granted and the list for Correctional Police Officer (S9988U), Department of Corrections be revived in order for the appellant to be considered for appointment at the time of the next certification 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 31st DAY OF JULY, 2019



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