



**STATE OF NEW JERSEY**

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

In the Matter of Edward Yarngo,  
Medical Security Officer Recruit  
(S0239T), Statewide

List Removal Appeal

CSC Docket No. 2019-3611

**ISSUED: AUGUST 26, 2020 (HS)**

Edward Yarngo appeals the removal of his name from the eligible list for Medical Security Officer Recruit (S0239T), Statewide on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open-competitive examination for Medical Security Officer Recruit (S0239T), which had a closing date of May 4, 2015. The resulting eligible list promulgated on October 15, 2015 and expired on October 14, 2019.<sup>1</sup> The appellant’s name was certified to the Ann Klein Forensic Center on May 9, 2018 (OS180269) with a notice date of May 16, 2018. 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 is interested in the position. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he failed to respond to the certification notice. The disposition of the certification was recorded May 23, 2019.

On appeal to the Civil Service Commission (Commission), the appellant states that he did not receive the certification notice due to an address change. Specifically, he was displaced from Burlington to Monmouth Junction while seeking a place of his own. The appellant asserts that during his displacement, he had no “permanent” address to change to and used his old address to receive mail. The appellant states that his nine-year old son would call him for mail received since he did not have access

<sup>1</sup> The eligible list was extended one year to October 14, 2019.

to the Burlington address. The appellant adds that while working for a different appointing authority “at the time of [his] appeal,” he was injured; underwent medical treatment for a few months; and was cleared to return to full duty on March 14, 2020.

In response, the appointing authority indicates that it does not contest this appeal.

Agency records reflect that the appellant did not submit any address change request to this agency.

### 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 his name from an eligible list was in error. The appointing authority requested the removal of the appellant’s name from the eligible list on the basis of his failure to respond to the May 9, 2018 (OS180269) certification, which had a notice date of May 16, 2018. The appellant maintains that he did not receive the certification notice because of an address change from Burlington to Monmouth Junction. He asserts that his nine-year old son would call him for mail received since he did not have access to the Burlington location. These arguments are not persuasive as Civil Service regulations provide that it shall be the *eligible’s responsibility* to keep a current address on file with this agency. See *N.J.A.C.* 4A:4-3.2(e). However, there is no indication that the appellant did so. Neither is it of any moment that the appellant did not perceive his Monmouth Junction address as “permanent.” Nothing prevented the appellant from submitting multiple address change requests as needed. Additionally, the appellant’s injury, though unfortunate, has no bearing on the resolution of this case as there is no suggestion in the record that the appellant’s injury occurred any time around the issuance of the certification. The appellant states only that it occurred “at the time of [his] appeal.” Accordingly, notwithstanding that the appointing authority does not contest this appeal, the appellant has not met his burden of proof.

### 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 19<sup>TH</sup> DAY OF AUGUST 2020

*Deirdre' L. Webster Cobb*

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