

STATE OF NEW JERSEY FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of David Allen, Fire Lieutenant (PM1168S), Irvington

CSC Docket No. 2015-1020

Examination Appeal

ISSUED:

NOV 07 2014

(RE)

David Allen appeals the decision of the Division of Selection Services (DSS) which denied him admittance to the promotional examination for Fire Lieutenant (PM1168S), Irvington due to a late application.

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The subject examination was announced with a closing date of September 30, 2014, and an application deadline date of August 21, 2014. In addition, the announcement indicated that only on-line applications would be accepted. The appellant did not file an application. It is noted that 32 candidates are eligible and the examination has been scheduled for November 15, 2014.

On appeal to DSS, the appellant explained that he was unable to file for the examination due to the ailing health of his elderly mother. In response to the appeal, DSS indicated that it was unfortunate that the appellant's personal circumstance may have interfered with his ability to file a timely application, but that the announcement had a 21 day filing period, and the announcement and one-page application were available on the Civil Service Commission website 24 hours a day, seven days a week during this time. Thus, DSS denied his request on the totality of the circumstances.

In his appeal of this issue, the appellant states that he was unable to meet the deadline due to his 83 year old mother's high risk medical status. He states that he is a single father with responsibility for interviewing long-term care facilities which could care for her ongoing medical conditions. The appellant provides no medical documentation in support of this appeal. N.J.A.C. 4A:4-2.6(a)4 (Eligibility for promotional examination) states that applicants for promotional examinations shall file an application on or before the application filing date.

CONCLUSION

In the instant matter, the record establishes that the period for filing applications was from August 1, 2014 to August 21, 2014. The appellant requested to be allowed to file an on-line application in a letter received by DSS on August 27, 2014. The announcement was issued on August 1, 2014 and applications were due by August 21, 2014. Online applications for this examination are one page in length, taking no more than 10 minutes to half an hour to complete, and candidates could have done so at any time, day or night, during those 21 days. Other than the fact that the appellant indicates that he has heavy family responsibilities, he has not indicated how he did not have time to complete this short application during those 21 days. He provides his mother's medical conditions, but he does not specify that he is her primary caregiver, or otherwise indicate that she required 24 hour round-the-clock care from him. While the appellant's circumstances are unfortunate, the appellant has not presented good cause to accept his application after the application filing date.

A thorough review of all material presented indicates that the decision of the Division of Selection Services is amply supported by the record and appellant provides no basis to disturb that decision. Thus, appellant has failed to support his burden of proof in this matter.

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 6th DAY OF NOVEMBER, 2014

Robert M. Czech

Chairperson

Civil Service Commission

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