



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Melissa Jacobs,  
Family Service Specialist 1  
(PS3420K), Department of Children  
and Families

List Removal

CSC Docket No. 2015-2411

ISSUED: **MAY 11 2015** (LDH)

Melissa Jacobs appeals the attached decisions of the Division of Agency Services (Agency Services), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Family Service Specialist 1 (PS3420K), Department of Children and Families, eligible list due to her failure to respond to the certification notices.

The appellant's name appeared on the eligible list for Family Service Specialist 1 (PS3420K), which promulgated on May 2, 2013 and expires on May 1, 2016. The appellant's name was certified to the appointing authority on March 5, 2014 (PS140290) and again on May 6, 2014 (PS140517). Certification Notices ("Notices") dated March 12, 2014 and May 14, 2014, respectively, were sent to the eligibles with instructions to notify the appointing authority in writing, within five business days as to whether or not the individual was interested in the position. The Notices also state that failure to follow the instructions will result in the removal of the eligible's name from the list. In disposing of the certifications, the appointing authority requested the removal of the appellant's name due to her failure to respond to the Notices. The appellant appealed to Agency Services, which subsequently denied her appeals.

On appeal to the Civil Service Commission (Commission), the appellant argues that she never received the Notices. She maintains that any notifications that were not responded to were due to her not receiving them, not due to her

negligence. In support, she submits a sworn notarized statement under oath stating that she did not receive the Notices for either the PS140290 or PS140517 certifications. She also submits a letter from the Director of Human Resources, Linda Dobron, stating that she has no objections to the restoration of the appellant's name to the subject eligible list as long as appellant submits a sworn notarized statement.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)11 allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *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 the appellant from an eligible list was in error.

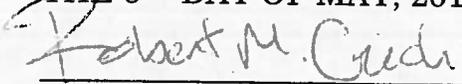
In the instant matter, the appellant's name was removed from the eligible list due to her failure to contact the appointing authority after receipt of the Notices. However, the appellant maintains that she never received any Notices instructing her to contact the appointing authority. Furthermore, the appellant submits a sworn notarized statement under oath stating that she did not receive the Notices. *See In the Matter of Salena Bradley* (CSC, decided July 16, 2014) (Commission restored appellant's name to the Correction Officer Recruit (S9988R) eligible list as she submitted a sworn notarized statement that she had not received the e-mail from the Department of Corrections notifying her of the date she was to appear for pre-employment processing). Accordingly, under these circumstances, the appellant has met her burden of proof in this matter and the appointing authority has not shown sufficient justification for removing her name from the Family Service Specialist 1 (PS3420K), Department of Children and Families, eligible list.

### ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the eligible list for prospective employment opportunities.

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 6<sup>TH</sup> DAY OF MAY, 2015

  
\_\_\_\_\_  
Robert M. Czech  
Chairperson  
Civil Service Commission

**Inquiries  
and  
Correspondence**

**Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312**

**Attachments**

**c:   Melissa Jacobs  
      Linda Dobron  
      Kenneth Connolly  
      Joseph Gambino**



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

February 5, 2015

Melissa Jacobs

**Title:** Family Service Specialist I  
**Symbol:** PS3420K  
**Jurisdiction:** Children and Families  
**Certification Number:** PS140290  
**Certification Date:** 3/5/14

**Initial Determination:** Removal – Non response to notification of certification

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list.

The Appointing Authority requested removal of your name in accordance with *N.J.A.C. 4A:4-4.7(a)6*, which permits the removal of an eligible candidate's name from the eligible list for no response to certification notice.

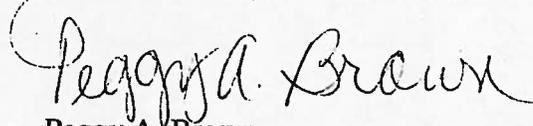
After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's request to remove your name has been sustained and your appeal is denied.

Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to MSPLR. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

Please be advised that pursuant to P.L. 2010, c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, c. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L. 1997, c.38 (C.44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees. Address all appeals to:

Henry Maurer, Director  
Appeals and Regulatory Affairs  
Written Record Appeals Unit  
PO Box 312  
Trenton, NJ 08625-0312

Sincerely,  
For the Director,

A handwritten signature in cursive script that reads "Peggy A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Peggy A. Brown  
Technical Program Assistant

c: Linda Dobron, Manager 3  
Department of Children and Families  
P.O. Box 717  
Trenton, NJ 08625-0717



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF AGENCY SERVICES  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

February 5, 2015

Melissa Jacobs

**Title:** Family Service Specialist 1  
**Symbol:** PS3420K  
**Jurisdiction:** Children and Families  
**Certification Number:** PS140517  
**Certification Date:** 5/6/14

**Initial Determination:** Removal – Non response to notification of certification

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list.

The Appointing Authority requested removal of your name in accordance with *N.J.A.C. 4A:4-4.7(a)6*, which permits the removal of an eligible candidate's name from the eligible list for no response to certification notice.

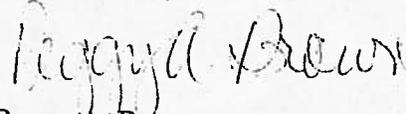
After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's request to remove your name has been sustained and your appeal is denied.

Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to DARA. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

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Henry Maurer, Director  
Appeals and Regulatory Affairs  
Written Record Appeals Unit  
PO Box 312  
Trenton, NJ 08625-0312

Sincerely,  
For the Director,



Peggy A. Brown  
Technical Program Assistant

c: Linda Dobron, Manager 3  
Department of Children and Families  
P.O. Box 717  
Trenton, NJ 08625-0717